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THE NEW

ANNUAL REGISTER,

OR GENERAL REPOSITORY OF

HISTORY,

POLITICS,

AND

LITERATURE,

For the YEAR 1809.

TO WHICH IS PREFIXED

The HISTORY of KNOWLEDGE, LEARNING, and TASTE,
in GREAT BRITAIN, during the Reign of Queen Anne,—Part III.

L O N D O N :

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P R E F A C E.

THE volume of The New Annual Register which is now presented to the public, records events, both domestic and foreign, than which scarcely any, even in these times of momentous and unexpected occurrences, have a more just and powerful claim on the interest of the general reader, or on the profound investigation and study of the politician. A rapid sketch of them will at once display and justify the truth of this observation, and serve as a proper and relevant subject of a preface.

If we first turn our attention to the events of domestic politics;—the charges against the duke of York, as commander in chief;—the evidence by which they were supported;—the incidental and collateral discoveries, which were developed during the progress of the investigation;—the views, the conduct, and arguments of the different parties in the house of commons, by whom his royal highness was either totally and strongly condemned;—or reluctantly given up to partial censure;—or boldly held forth as completely guiltless, and suffering under a foul and barefaced conspiracy;—but above all, the uncommon interest the British public took on this occasion, which, like an electric shock, communicated itself, almost at once, and with scarcely any diminution of power, from the metropolis to the most remote extremities of the empire;—and the steady and cool perseverance in the declaration and enforce-

ment of their opinion which the people discovered, equally removed from the vacillating or outrageous and violent conduct of a mob ;—are circumstances which will undoubtedly mark the domestic events of the year 1809 as of extreme importance*.

The singular and lamentable difference and disputes among those whom his majesty had appointed to direct the affairs of the nation ; and the disgraceful consequences, both of a private and public nature, which resulted from an open quarrel, carried even to a breach of those laws which the offenders were officially called upon to protect by their authority, and sanction by their example, form another leading feature in the domestic politics of the year. No man who loves or reverences his country can read, without feeling his cheek tinged with the blush of shame and indignation, that British ministers were involved in petty and selfish jealousies and quarrels, at a time when not only the fate of the continent called for their undivided and unanimous attention, but when a prospect of reversing that fate more favourable than had ever been presented before, would undoubtedly have silenced, if it could not have subdued, every feeling of private animosity and interest in the breasts of true patriots. When it is also found that the disgraceful and disastrous failure of one of the most powerful and expensive expeditions ever sent from the shores of Britain, occurred during these private distractions and in-

* The attention of the reader is particularly referred to a work entitled "The History of the Proceedings of the House of Commons in the Inquiry into the Conduct of His Royal Highness the Duke of York, comprising an authentic Copy of the Evidence, and an accurate Report of all the Debates in Parliament, as they occurred in Order of Time."—This volume may be had of Mr. Stockdale, the proprietor of The New Annual Register.

trigues, candour itself will hardly fail to connect the events, and to lament that the blood and honour of Britons should have been in the keeping of men, who seemed to prefer their own interests and the indulgence of their passions, to the welfare of the country.

As an intermediate link between domestic and foreign politics, the disturbances which took place in India during the year 1809 may be mentioned. In this volume we have not been able to give a full account of the termination of these disturbances, nor to trace in minute detail all the events which led to them. Much information on this subject arrived long after the commencement of the present year; and of course it more properly belongs to our next volume. In this, however, we have given a brief abstract of the prior part of the East-India disturbances; and shall not fail in *The New Annual Register* for 1810 to present a complete, and we hope an impartial, narrative of transactions, which all parties, however they may differ respecting their cause and origin, must confess open to our view the instability of the foundation on which our Indian empire rests.

If from domestic we turn our attention to foreign politics, the events that have occurred in two countries principally claim our notice and interest:—In Austria, where, after tottering on the very verge of destruction, Bonaparte at length, by superior skill and resources, completely triumphed;—and in Spain, where his plans have hitherto been in some degree foiled. The fate of these two countries,—the rapid fall and complete humiliation of the one, and the protracted resistance of the other,—offer to the politician subjects for profound meditation. The events that have occurred in Spain, though calculated to excite emotions of

indignation and horror against the common enemy, and of commiseration for the suffering inhabitants of that country, are by no means so disastrous as to lead us to despair of the ultimate success of their cause. What Bonaparte has effected in other countries cannot be adduced to prove that he will be victorious here also.

Already have 200,000 of the enemy fallen victims to the cruel ambition of their emperor, whose predictions respecting Spain have in no instance been realized: and though he may continue to pour in his armies, almost without limit, or number, yet so long as the Spanish patriots wage a war of defence only, and receive that support from this country, which its government is willing to afford, they cannot be vanquished. And what they have hitherto performed, although they are ignorant, and actuated rather by a national antipathy to the French, heightened by the cruelties they have witnessed and suffered, than by a pure and enlightened love of liberty, founded on an experience of its blessings;—and notwithstanding they are led on by a weak if not a treacherous government, triumphantly shows what resistance a people can raise and continue against the power of a tyrant, and how feeble the armies and skill even of Bonaparte would be, if they were levelled against a free nation, under the direction of a wise and popular government.

15th June, 1810.

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THE
HISTORY
OF
KNOWLEDGE, LITERATURE,
AND TASTE,
IN GREAT BRITAIN,
DURING THE REIGN OF ANNE.

PART III.

ALTHOUGH the reign of queen Anne was that of genius with respect to poets and polite writers, yet it was no less distinguished for authors of deep penetration, solid judgement, and sound and extensive learning. The powers of the human mind were fully and freely exercised. Many distinguished themselves as profound philosophers, and eminent divines. To this period we may refer Locke and Bentley, Beveridge and South, Flamsteed and Halley, Wallis and sir Christopher Wren, with a multitude of others, whose names can never be forgotten by the country to which, by their exertions, their works, and their writings, they did so much honour.

Locke, the immortal Locke, shone forth as the great restorer of Human Reason. Among the moderns who have renounced implicit respect for ancient authority, and, upon the plan of gathering wisdom from every quarter, have attempted to enlarge the boundaries of knowledge, besides those who

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have been, or who wished to be thought, reformers of universal philosophy, innumerable learned men have appeared, who have directed their attention towards the improvement of particular sciences. To many of these our plan cannot extend, but some notice must be taken of those whose reasonings the “*Essay concerning Human Understanding*” was calculated to subvert.

In the same year in which John Locke was born in England, Spinoza was born at Amsterdam: by the writings of the former, rational and true religion was established on a firm and immutable foundation; but the latter, claiming the epithet of a philosopher, had the impious temerity to advance a new theory of nature destructive of all religion, which he pretended to establish by geometric demonstrations.

Spinoza was a Jew by descent and education, but very early discovered such dissatisfaction with the religion of his fathers, and advanced opinions so contrary to their established tenets, that a sentence of excommunication was pronounced against him by his brethren. Expelled from the synagogue, an asylum was granted him by certain christians who afforded him an opportunity of acquiring the knowledge of the ancient languages, and studying Cartesian philosophy. The vehemence with which he continued to attack the religion of his countrymen alarmed and terrified them: they attempted first to bribe, then assassinate him; and when both these measures proved ineffectual, they accused him of blasphemy and apostasy, and he was banished the city. He still continued to write, and was not without patrons of high rank in the various walks of life; but the impieties contained in his several treatises excited very general indignation, and refutations were sent forth from various quarters, by writers of all religious persuasions, in which the sophisms, false reasonings, and all the absurdities of the writings of Spinoza are fully exposed. The sum of his doctrine is this:—The essence of substance is, to exist. There is in nature only one substance, with two modifications, thought and extension. This substance is infinitely diversified, having within its own essence the necessary causes of the changes through which it passes. No substance can be supposed to produce or create another: therefore, besides
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the substance of the universe there can be no other ; but all things are comprehended in it, and are modes of this substance, either thinking or extended. This one universal substance Spinoza calls God, and ascribes to it divine attributes. He expressly asserts that God is the immanent, not the transitive cause of all things. His doctrine is, therefore, not to be confounded with that of those ancient philosophers who held God to be *Τὸ Πάν*, 'The Universal Whole : ' nor can it be derived, as some have imagined, from the Cartesian philosophy, because in that system two distinct substances are supposed, and the existence of a Deity is a fundamental principle.

Against the poison of atheism, antidotes were provided by many able defenders of religion ; among these were the writings of Cudworth, the professed object of which was the refutation of atheism.

A singular metaphysical hypothesis has given celebrity to the name of Mallebranche, who flourished at the same period with Spinoza and Locke. Devoting himself to a monastic life, he engaged in the study of ecclesiastical history and biblical criticism, but with so little satisfaction to his own mind, that he was inclined to abandon his studies. Meeting however with a copy of Des Cartes' treatise 'On Man,' and finding it contained so many new ideas, he determined to make himself master of the author's philosophy. From this time he was immersed in profound meditation ; and having satisfied himself concerning the mysterious union of soul and body, and having, as he conceived, discovered a still more mysterious union between the soul of man and God, he wrote his treatise 'On the Search after Truth.' The doctrine of this book is raised upon Cartesian principles, and is in some particulars Platonic. The author represents, in strong colours, the causes of error, arising from the disorders of the imagination and passions : he explains the action of the animal spirits ; the nature of memory ; the connexion of the brain with other parts of the body, and their influence upon the understanding and will. On the subject of intellect, he maintained that thought alone is essential to mind, and deduced the imperfect state of science from the imperfection of the human understanding. Rejecting the ancient doctrine of species sent forth from material ob-

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jects, and denying the power of the mind to produce ideas, he ascribes their production immediately to God, and asserts, that the human mind immediately perceives God, and sees all things in him. As he derives the imperfection of the human mind from its dependence upon the body, so he places its perfection in union with God, by means of the knowledge of truth and the love of virtue.

Next to Mallebranche may be mentioned the German mathematician, Walter Tschirn Hausen, who was a diligent inquirer after truth, and was desirous of furnishing others with a philosophy, which might conduct them with ease and certainty to wisdom and happiness. With this view he wrote a work entitled '*Medicina Mentis*,' or '*The Medicine of the Mind, or General Precepts of the Art of Invention*.' In this treatise he applied geometry and universal arithmetic to metaphysical and moral subjects, in hopes of opening a way, by which any one might, for himself, discover what is true and useful.

Among the modern metaphysicians of this period, the ancient questions concerning the human soul, its nature and faculties; its duration and connexion with the body, were subjects of considerable controversy. Many writers maintained its materiality and natural mortality; among whom were Coward in his '*Thoughts on the Soul*,' and Dodwell, who contended that the soul derives its immortality from the spirit of God in baptism. Other writers equally learned, equally zealous, and equally positive, maintained a long and even still undecided controversy concerning the freedom of the human mind; among these were Leibnitz, Placette, King, Collins and Clarke. Thus are we brought to the great metaphysician and philosopher John Locke, who was born in 1632, at Wrington, near Bristol. He was educated partly at Westminster school, and partly at Christ Church college, Oxford. The early produce of his genius promised a rich harvest; but his progress in knowledge was for a time retarded by the defects which he discovered in the established modes of education: his solid penetrating judgement, little disposed to be satisfied with trifles, was disgusted with the unprofitable subtleties which occupied the schools. Despairing to find intellectual light in the

the Peripatetic philosophy, he grew tired of academic studies, and conversed more with men of wit and genius than with philosophers. He was indebted to Des Cartes for the first glimmering of light: though he did not adopt his system, he was delighted with the perspicuity of his writings, and was immediately satisfied, that the general prevalence of error and uncertainty was not so much owing to the imbecility of the human mind, as to the imperfection of the present method of instruction: his natural thirst after knowledge returned, and he resumed his inquiries with fresh ardour. In 1664, to improve his knowledge of human nature by a more general and extensive acquaintance with mankind, he accompanied the British ambassador to the court of Berlin. After remaining there about a year, he returned to Oxford, and chiefly pursued the study of Natural Philosophy. Here he formed an intimacy with lord Ashley, afterwards earl of Shaftesbury, a man of superior genius, extensive reading, and elegant taste, from whose conversation Locke acknowledges himself to have derived great pleasure and advantage, and with whom he preserved an intimate friendship through life. Mr. Locke, though he never graduated as a physician, had gone through a course of medical studies, and now he accompanied the noble earl, as his medical adviser and philosophical friend; and was introduced by him to the acquaintance of many persons of the first distinction, to whom, his good sense, extensive knowledge, and polished manners, rendered him highly acceptable. In 1668 he went with the earl of Northumberland into France, and on his return undertook to superintend the education of lord Shaftesbury's only son. It was in the leisure which he commanded during this engagement, that he digested his ideas concerning the powers and operations of the human understanding. When his friend and patron was appointed lord chancellor, Locke shared his honours; and when, in the political struggles, the earl of Shaftesbury was dismissed from his office, Locke cheerfully partook of his disgrace. In 1674, apprehending himself in danger of a consumption, he visited, by the advice and at the expense of his patron, Montpellier, and on his return he was occupied almost wholly in the study of the Scriptures, chiefly of the New Testament. When

lord Shaftesbury retired to Holland to escape the political storm that threatened his life, Locke, despairing of safety at home, fixed his residence in Amsterdam, where he had frequent intercourse with Le Clerc, Limborch, and other learned men, and where, after many interruptions, he finished his 'Essay on the Human Understanding.' During his absence, his name, on account of the share which he was supposed to have had in the earl of Shaftesbury's political offences, was, by order of the king, struck out of the register of his college, and secret instructions were issued for seizing him, and bringing him back to England. Timely notice was, however, given him of his danger, and he remained in concealment among his friends. During this recess he wrote his 'Two Letters on Toleration.' In 1685 he was offered a pardon from James II; but he spurned the idea, upon the plea, that having been guilty of no crime, he stood in need of no pardon.

At the period of the Revolution, Locke accompanied the princess of Orange to England, and was restored to the society of his numerous friends, and to his useful labours political and philosophical. The 'Essay on the Human Understanding' was first published in English in 1690, and was soon afterwards translated into the modern and ancient languages, and judiciously abridged by Wynn, bishop of St. Asaph. In the same year Mr. Locke published his treatise 'On civil Government,' in which he boldly and successfully attacked the principles of despotism. Towards the close of life he wrote his treatise 'On Education;'—a 'third Letter on Toleration;'—his 'Reasonableness of Christianity,' 'Letters to Stillingfleet Bishop of Worcester,' and other tracts. In his theological works, he maintained that there is nothing in the christian religion contrary to reason; and, at the same time that he showed himself a true friend to the cause of revelation, was a zealous advocate for the doctrine of the unity of the divine nature.

The last labours of this excellent man were employed upon the Scriptures; and, while on the borders of death, he completed his Commentaries upon the Epistles, which were published after his death. Mr. Locke died in the year 1704. He possessed a noble and lofty mind, superior to prejudice, and capable, by its native energy, of exploring truth, even in regions of the intellectual

intellectual world before unknown. That his judgement was accurate and profound, that his imagination was vigorous, and that he was well furnished with the ornaments of elegant learning, if there were no other proofs, might be, without hesitation, concluded from his great work the 'Essay on the Human Understanding,' in which, discarding all systematic theories, he has, from actual experience and observation, delineated the features, and described the operations, of the human mind, with a degree of precision to be found in the writings of none of his predecessors.

After clearing the way, by setting aside the whole doctrine of innate notions and principles, both speculative and practical, the author traces all ideas to two sources, sensation and reflection; treats at large of the nature of ideas simple and complex; of the operation of the human understanding in forming, distinguishing, compounding, and associating them; of the manner in which words are applied as representations of ideas; of the difficulties and obstructions, in the search after truth, which arise from the imperfections of these signs; and of the nature, reality, kinds, degrees, casual hindrances and necessary limits of human knowledge.

The limits of this Introduction do not allow us to discuss at large the merits of the 'Essay on the Human Understanding:' but it may be observed, that though several topics are treated of, which may be considered as episodical with respect to the main design; though many opinions which the author advances may admit of controversy; and though, on some topics, he may not have expressed himself with his usual perspicuity, the work is of inestimable value, as a history of the Understanding, not compiled from former books, but written from materials collected by a long and attentive observation of what passes in the human mind.

In Mr. Locke, who gave a decided turn to the learning and taste of his countrymen, we have contemplated the philosopher, divine, and politician. We shall now proceed to notice some of the other able literary characters of his time, who combined in their labours and writings various departments of learning. Richard Cumberland, an English bishop of considerable celebrity, was born in London in 1632: he received his classical

learning at St. Paul's school, whence, about the year 1649, he was removed to the Magdalen college, Cambridge. Here he pursued those studies which are preparatory to the practice of medicine. Physic, however, he soon abandoned for the study of theology, and obtained preferment in the church. He was assiduous in the discharge of the duties attached to his office, and devoted all his leisure time to philosophical studies. In 1672 he published a treatise in quarto, entitled 'De Legibus Naturæ Disquisitio philosophica,' &c., which was intended as a refutation of the tenets of Hobbes, and obtained the author a high degree of reputation. In 1680 he took the doctor's degree; and in 1686 he published 'An Essay towards the Recovery of the Jewish Weights and Measures, comprehending their Monies by help of an ancient Standard compared with those of England.' Dr. Cumberland was zealously attached to the doctrines of the church of England; and on account of his steadfast defence of it, and of the principles of the Revolution, he was selected as a fit person to fill the see of Peterborough. He died in the year 1718: his life had been active, and his various pursuits required deep study, and a habit of intense thinking; but his faculties were strong till the last period of his existence. So great was the vigour of his mind, that at the age of 84, when bishop Wilkins presented him with a copy of his Coptic Testament, he set about studying the language, and made so rapid a progress in it, that he was able to read a greater part of the version with the most critical attention. After the death of the bishop, his son-in-law Mr. Payne published 'Sanchoniatho's Phœnician History, translated from the first book of Eusebius, De Præparatione Evangelica &c.' upon which the venerable prelate had bestowed much time and research; and in the course of the inquiry he was led to other subjects. An account of these he left behind him in MS., which was published by the same editor, under the title of 'Origines Gentium Antiquissimæ, or Attempts for discovering the Times of the first Planting of Nations.' This worthy prelate did much for the general interests of learning; and likewise every thing in his power to render the clergy in his diocese respectable, useful, and happy.

Dr. Bull, an eminent divine, was raised to the bishopric of St. David's by queen Anne; and being introduced into the house of peers, in the session when the bill passed for the union of the two kingdoms, he bore his testimony in favour of the church of England, as being in her doctrine, discipline, and worship, most agreeable to primitive and apostolical institutions. In early life he had been a considerable writer, chiefly in controversial divinity: his learning was unquestionable; but, considering the points which he undertook sometimes to defend and justify, his judgement will be thought more or less highly of by persons who think differently on the same subjects. One of his first publications was his '*Harmonia Apostolica, or Apostolical Harmony*,' in two dissertations; in the first of which St. James's doctrine of justification by works is explained and defended: in the second, the agreement of St. Paul with St. James is clearly demonstrated. This work excited considerable opposition, and was attacked by persons of different persuasions both in and out of the church. In reply to his antagonists he published his '*Examen Censuræ*,' and his '*Apologia pro Harmonia*.' After this he undertook a vindication of the Nicene Faith, which was published at the desire and expense of bishop Fell, under the title of '*Defensio Fidei Nicenæ, ex Scriptis quæ extant Catholicorum Doctorum, qui intra prima Ecclesiæ Christianæ Sæcula floruerunt*.' He was author of several other works, among which was a vindication of the divinity of Jesus Christ. He was remarkable for firmness of mind, and for an habitual sense of religion; and his great learning, if not always applied to the most important subjects, was ever recommended by the modesty that accompanied and adorned it.

Dr. Beveridge, another of queen Anne's bishops, was distinguished by his great application to the learned languages, particularly to oriental literature, in which he excelled so much, that at the age of eighteen he wrote a treatise on the excellency of the oriental tongues, with a Syriac grammar. He rose to considerable distinction and preferment in the church; and so celebrated was he as a preacher, and so remarkably assiduous and abundant in his labours, that he was denominated 'the great reviver and restorer of primitive piety.'

piety.' He had in the reign of king William declined accepting the see of Bath and Wells, but in 1704 he was consecrated bishop of St. Asaph. In this elevated station, he prosecuted with his accustomed zeal and diligence every practicable measure for advancing the honour and interest of religion, both among the clergy and laity, and at his death he left the greater part of his estate to the Societies for propagating the Gospel, and for promoting christian Knowledge.

Besides those who had the high honour of filling the episcopal sees in this reign, there were many worthy, excellent, and truly learned clergymen that did honour to the rank and stations which they held in the church. Among these we must not omit the mention of Joshua Barnes, Richard Bentley, and Dr. Samuel Clarke. Barnes was born in London in 1654, and was educated in grammar learning at Christ's hospital, where he was distinguished by his proficiency in the Greek language, and by some Latin poems. From this place he went to Emanuel college, Cambridge, and was in the year 1678 elected a fellow of the same college, and in 1695 he was appointed Greek professor of the university of Cambridge. Barnes was chiefly known to the public as the editor of several of the Greek classics, which maintained a considerable reputation till they were superseded by others of more value, and in which greater learning and more profound judgement have been displayed. To the Euripides published by Barnes is prefixed a preliminary dissertation on the ancient Greek tragedy, and another on the life and writings of the author. His edition of Anacreon is enlarged by several whole pieces and fragments. The life of the poet is annexed, and in the prolegomena the author treats of the antiquity and invention of lyric poetry, and the peculiar metre made use of by Anacreon. Barnes's edition of Homer is furnished with an exact translation; the ancient Greek scholia; the Hymns; Epigrams, Fragments, and two indices. Barnes was an original writer as well as an editor, but his works are now seldom referred to.

Dr. Bentley was born in 1661 near Wakefield in Yorkshire, and at that town he was educated till he had attained his fifteenth year, when he was entered at St. John's college, Cambridge. In 1692 he published his first work, which was

a Latin

Latin epistle to Dr. Mill, containing critical observations on Malala's Chronicon ;' and about the same time he was selected as the first person to preach Boyle's lecture, founded for the vindication of Natural and Revealed Religion. The subject which he made choice of was the confutation of Atheism ; and the sermons were soon after published, and have since passed through many editions at home, as well as being translated into most of the languages of modern Europe. Whilst he carried on this lecture, he maintained a philosophical correspondence with sir Isaac Newton, whose friendship he ardently cultivated, and whose approbation stamped a peculiar value upon the argumentation contained in these discourses. Dr. Bentley's 'Annotations on Callimachus' were inserted in an edition of that poet, published in 1697 by Grævius ; and in the same year Dr. Bentley himself printed, at the end of Wotton's Reflections on Ancient and Modern Learning, his 'Dissertations on the Epistles of Themistocles, Socrates, Euripides, Phalaris, and the Fables of Egypt.' This publication was succeeded by a controversy between the author and Mr. Boyle upon the genuineness of the Epistles of Phalaris, in which Bentley displayed uncommon erudition and vast powers of criticism.

With the conduct of this learned man in the several situations of life which he filled, we have, in this article, little or no concern : the temper and manners which he exhibited on various occasions could not be easily justified, but his character for great learning and acute criticism is well known over the whole of Europe. In the controversy referred to, Swift and Pope, Garth and Middleton joined with Mr. Boyle ; and some of them forgetting, apparently, the cause which was under discussion, proceeded with an unwarrantable severity in attacking the moral character and literary acquirements of their adversary.

In 1710 Dr. Bentley published at Amsterdam his critical Annotations on the first two Comedies of Aristophanes, and about the same time at Rheims his Emendations of the Fragments of Menander and Philemon ; and in the following year he gave to the world his long expected edition of Horace, which was pronounced by Dr. Hare to be the completest work

work produced by criticism since the restoration of learning. The other works of Dr. Bentley were an edition of Terence and Phædrus, and an edition of the *Paradise Lost*. It may excite, as it has already excited, much surprise, that the literary character of this truly learned man should have been held in much higher estimation by foreigners than by his own countrymen. This may be partly owing to his own asperity and irritability of temper; and partly, or perhaps principally, to his having, in the class of his adversaries, the poets and wits of the age, and to their having made him the object of their satire and ridicule. Nevertheless, by some of the most learned and judicious of his contemporaries the talents of Bentley were duly appreciated. Dr. Clarke, himself eminently distinguished by his literature and critical discernment, speaks of him as ‘*Vir in hujusmodi rebus peritiâ plane incredibili et criticos omnes longè longèque judicio et sagacitate antecellens.*’ The judgement of posterity, more impartial than that of his contemporaries, has allowed Dr. Bentley’s profound skill in the idiom of the Latin and Greek languages; and though, as a verbal critic, many of his emendations are unsanctioned by the authority of ancient MSS., they frequently approve themselves as just and reasonable, and are regarded as real improvements.

Samuel Clarke, one of queen Anne’s chaplains, was a native of Norwich, and at the free-school in that city he received his grammar learning, and from thence he went to Caius college, Cambridge, where he applied himself most diligently to the study of the New Philosophy. Before he had completed his twenty-second year he translated Rohault’s *System of Physics* into Latin, with notes agreeably to the new system. His next work was connected with his profession as a divine, viz. *A Paraphrase on the Gospels*, in two volumes octavo. In 1704 he was appointed to preach Mr. Boyle’s lecture, and he chose for his subject, the ‘*Being and Attributes of God*,’ and in the following year he delivered a course of sermons on the ‘*Evidences of Natural and Revealed Religion.*’ These two courses have been since printed together, and have gone through many editions. The mode of reasoning pursued by the author, in proving the existence and perfections of the Deity,

Deity, from arguments *à priori*, excited very great attention on the appearance of the work. About this time he discovered considerable doubts in his mind respecting the doctrine of the Trinity, and it is said that he never read the Athanasian creed but once, and then it was at a time when it was not appointed to be read, and the thing occurred by mistake. In the year 1706 he printed his letter to Mr. Dodwell on the 'Immortality of the Soul,' a very learned and philosophical discourse, in answer to the opinion that the soul became immortal by baptism. A part of the argument, on the materiality of the soul, was taken up and discussed at large by Mr. Anthony Collins. About this period Mr. Clarke published an elegant translation of Sir Isaac Newton's 'Treatise on Optics,' which he had undertaken at the request of the author, and was by this means instrumental in disseminating the light which this great philosopher had thrown on the subject, among the learned and inquisitive in other parts of Europe. He was now introduced to the queen, who immediately appointed him one of her chaplains in ordinary, and presented him with the rectory of St. James's. He took his doctor's degree, and on the occasion delivered an elaborate thesis on the question that 'No article of the Christian Faith, delivered in the sacred Scriptures, is contrary to right reason,' which he maintained in a most masterly manner.

In 1712 Dr. Clarke appeared in a new character, and displayed his taste in philological erudition, by the publication of a most splendid edition of Cæsar's Commentaries in folio, enriched with many judicious notes and corrections, and embellished with beautiful engravings. At the same period Dr. Clarke involved himself in a protracted, and on many accounts a very painful controversy by the publication of his 'Scripture Doctrine of the Trinity.' It was no secret what his intentions were before he sent his work forth into the world, and application was made to him, by the ministers of queen Anne, to abandon his intentions; but having carefully considered the subject, he could not be turned from his purpose; and resolved to follow the convictions of his mind by submitting his opinions to the examination of the public. His work, which excited much attention, consisted of three parts: the first
part

part contains a 'Collection and Explication of all the Texts in the New Testament relating to the Doctrine of the Trinity:' in the second, 'the doctrine is set forth at large, and explained in particular and distinct propositions;' and in the third part, 'the principal passages in the Liturgy of the Church of England, relating to the doctrine of the Trinity, are considered.' This was one of the most unobjectionable methods that could be devised of treating the subject: nevertheless it occasioned a controversy, in which passion and bigotry had far too large a share of influence. Dr. Hoadly remarks, that the dispute lay at last principally between the author and a writer, who was known to be Dr. Waterland, whom he styles very skilful in the management of a debate, and very learned and well versed in the writings of the ancient fathers. Dr. Clarke had, however, to endure a different species of warfare: a complaint was made against him to the bishops by the lower house of convocation, of the heterodox opinions and dangerous tendency of his work; and, at the desire of the upper house, they afterwards delivered in extracts from it in proof of their charges. Dr. Clarke wrote a reply, which was not brought before their lordships; but the bishops, on the occasion, evinced a becoming and honourable spirit of conciliation and peace, and endeavoured to calm the violence which was so conspicuous in the proceedings of their brethren of the lower house.

In the year 1715-1716 Dr. Clarke engaged in an amicable controversy with the learned Leibnitz, on the doctrines of philosophical liberty and necessity, in which each of these able disputants displayed all the skill in argumentation and debate, of which they were respectively masters. The papers written on this occasion were printed in the year 1717, and inscribed to the princess of Wales, afterwards queen Caroline, through whose hands they had all passed, and whom Dr. Hoadly calls the witness and judge of every step of the controversy. Dr. Clarke, soon after this, gave rise to a curious controversy respecting apostolical and primitive doxologies, by introducing some alterations into those of the singing psalms which had been that year reprinted for the use of his church. The alteration consisted in ascribing glory to God through Christ, instead

stead of paying equal honours to each of the three persons in the Trinity.

In the year 1728 Dr. Clarke published, in the *Philosophical Transactions*, a letter addressed to Mr. Hoadly ‘On the velocity and force of bodies in motion,’ which is an able vindication of the doctrine of sir Isaac Newton on that subject: and in the following year he gave new proofs, in addition to those already before the world, of his refined taste and critical skill in the learned languages, by the publication of the first twelve books of Homer’s *Iliad*, which he accompanied with an elegant Latin translation, and illustrated with a number of very learned notes. The remaining books of the *Iliad* were published two or three years after the doctor’s death by his son. We have said but little of Dr. Clarke’s theological pieces, all of which, and his sermons in particular, have much merit. Of these, ten volumes form a posthumous publication, which passed through many editions. Whatever subject he treated on, his matter is solid and ingenious; his arrangement lucid and comprehensive; his illustrations apt and impressive; and his language plain, perspicuous, nervous and persuasive. In his explications of Scripture he is remarkably happy: if they are sometimes more elaborate and circumstantial than necessary, their length will be found to be amply compensated by their intrinsic excellence and value. His works are a standing monument of a great and comprehensive mind, which could bring within its grasp all useful and ornamental learning, and treat whatever subjects came under its observation with equal ability, accuracy, and precision. In theology, in metaphysics, in natural philosophy, and in classical erudition, he has established a credit that will be as lasting as science itself. Dr. Clarke, it must not be forgotten, was charged with abandoning, before his death, those religious opinions which he had in earlier life vindicated, and for which he was contented to bear no small portion of obloquy: the accusation was abundantly repelled by Dr. Hoadly and his own son; but we have still stronger evidence on this head: not long before his decease he gave the world a new edition of his work on the Trinity, and he also took particular care to revise the

Book

Book of Common Prayer, and to make those alterations in it which he deemed incompatible with the unrivalled glory of the true God. His alterations and emendations were left in manuscript, with the hope, no doubt, that future times might be benefited by them; and after the lapse of nearly half a century they, with other alterations, were committed to the press, and brought into public use by the late Rev. Theophilus Lindsey, vicar of Catterick in Yorkshire, who took the opportunity first of resigning his living and all future prospects in the emoluments of the church. In this point of view, as in others to which we have referred, Dr. Clarke must be regarded as a very leading character, when passing judgement on the literature and taste of the period on which we are descanting.

From this great man, who was a mathematician and philosopher as well as a divine, we are led to others, who were chiefly celebrated for their skill in the sciences properly so called. To Dr. Wallis, Flamsteed and others, who flourished in this and some of the preceding reigns, we have already in the volume for 1804 referred, and rendered a tribute of applause: we shall therefore conclude this Introduction with a brief account of that prince of philosophers and mathematicians, sir Isaac Newton, who, though he had rendered himself illustrious in the former periods, was not less celebrated in the reign of queen Anne.

Newton was born on Christmas day 1642: great attention was paid to his education in the learned languages, and so early as at twelve years of age he was observed to have a strong inclination to figures and philosophical subjects. When he was entered at Trinity college, Cambridge, he soon obtained the notice and friendship of Dr. Barrow, the Lucasian professor of mathematics. At his commencement as a student, Euclid was first put into his hands; but the theorems and problems of that author he was enabled to comprehend at the first glance: he was, therefore, directed to make the sublimer parts of mathematics the chief object of his studies. Before he was two-and-twenty he had invented his new method of Fluxions and Infinite Series. He next employed his talents in considering the nature of light, and in grinding glasses with which he could make all the experiments

riments necessary in the pursuit, till meeting with a prism he was struck with the colours produced by it, and which were refracted into an oblong, instead of a circular form, which he expected: at first he thought the irregularity accidental, but his further inquiries led him to the establishment of a New Theory of Light and Colours. Amidst these speculations he was forced from Cambridge in 1666 by the plague, and it was more than two years before he made any further progress in the subject. In the country, retired from learning and learned men, the falling of an apple led the philosopher to meditate on gravity, which gave rise to the system of the world, which was afterwards explained and demonstrated in his *Principia*. About this period he was engaged upon the structure of a reflecting telescope, which did not answer on account of defects in the polish. In the year 1669 he succeeded Dr. Barrow in the professorship of mathematics at Cambridge, and the duties in which this office involved him interrupted for a time his attention to the telescope; but as his thoughts had been chiefly employed upon optics, he made his discoveries in that science the subject of his lectures for the first three years after he was appointed to the mathematical chair; and having brought his theory of light and colours to a considerable degree of perfection, he communicated it to the Royal Society, of which he was a member, to have their judgement upon it. The paper being published in the *Philosophical Transactions*, occasioned a dispute upon the truth of it, which gave the author so much uneasiness, that he resolved not to publish any thing further on the subject, and in conformity with this resolution he laid by his optical lectures, although they were at the time prepared for the press. The analysis by infinite series, which was to have been subjoined to them, underwent the same fate.

He now resumed his telescope, which he brought so far to a state of perfection as to show the planet Jupiter distinctly round, with his four satellites, and the phases of Venus. At the request of Leibnitz, in 1676, he explained his invention of Infinite Series, and pointed out in what way he had im-

proved it by his method of Fluxions. In the same year he discovered the grand proposition, that by a centripetal force acting inversely as the square of the distance, a planet must revolve in an ellipsis, round the acting force placed in the lower focus, and, by a radius drawn to that centre, describe areas proportional to the times. In 1687 Newton published his great work entitled '*Philosophiæ Naturalis Principia Mathematica*,' containing, in the third book, the astronomy of comets, which had been lately discovered by himself, and which has been regarded as the production of a celestial intelligence rather than of a man.

Ever since the first discovery of the heterogeneous mixture of light, and the production of colours arising from it, Newton had employed a good part of his time in bringing the experiment upon which the theory is founded, to a degree of exactness that might satisfy himself. This seems to have been his favourite invention, and thirty years did he spend in the arduous task before he made it public in 1704.

In infinite series and in fluxions, and in the power and laws of gravity, in preserving the solar system, there had perhaps been some, though very distant hints, given by others before him: but in dissecting a ray of light into its primary constituent particles, which then admitted of no further separation; in the discovery of the different refrangibilities of these particles thus separated; and that these constituent rays had each its own peculiar colour inherent in it; that rays falling in the same angle of incidence have alternate fits of reflection and refraction; that bodies are rendered transparent by the minuteness of their pores, and become opaque by having them large; and that the most transparent body, by having a greater thinness, will become less pervious to the light: in all these, which enter into his new theory of light and colours, he was the discoverer; and as the subject is of the most subtile and delicate nature, he thought it necessary to be himself the finisher of it.

His attention, however, was not confined to the subject of light alone; so far from it, that all we know of natural bodies

dies seemed to be comprehended in his researches: he had found out that there was a natural action between light and other bodies, by which the reflections and refractions, as well as inflexions, of the former, were constantly produced. To ascertain the force and extent of this principle of action was what had all along engaged his thoughts, and what after all, by its extreme subtlety, escaped his penetrating spirit. Though, however, he has not made so full a discovery of the principle which directs the course of light, as he has with respect to the power by which the planets are kept in their courses, yet he gave the best directions possible for such as should be disposed to carry on the work, and furnished matter abundantly sufficient to guide and animate them in the pursuit.

Leibnitz had long endeavoured to claim for himself the honour of being the inventor of Fluxions, and in an account of his work, in the *Acta Eruditorum* of Leipsic, it was broadly insinuated that Newton had borrowed it from him. Dr. Keill undertook Newton's defence, and after letters on both sides, Leibnitz complained to the Royal Society of ill treatment. That learned body, willing to render strict justice to whomsoever it might be due, appointed a committee of their members to consider the merits of the case. These having carefully examined all the papers relating to the point in controversy, and having weighed with the utmost accuracy the evidence on all sides, decided in favour of Newton and Keill.

In 1705 the honour of knighthood was conferred upon Newton by queen Anne, in consideration of his great merit. After this he was applied to by the house of commons, for his opinion upon a new method of discovering the longitude at sea, which had been laid before them by Ditton and Whiston, in the way of a petition to procure their encouragement; but the house did not hesitate a moment to reject the petition, as soon as they had heard sir Isaac Newton's paper on the subject read to them.

As Leibnitz was an officer of state to the elector of Hanover; so, when that prince was raised to the throne of the

British dominions, sir Isaac Newton came more under the notice of the court, and it was for the immediate satisfaction, and at the command, of king George I, that he was prevailed on to put the last hand to the dispute about the invention of fluxions. At the same time the princess of Wales, afterwards celebrated as queen consort to George II, happened to have a curiosity for philosophical inquiries, and engaged the conversation of the illustrious Newton. Here she found, in every difficulty, that full satisfaction which she had in vain sought for elsewhere; and she was often heard to declare, that she thought herself happy in coming into the world at a juncture of time which put it into her power to converse with, and be improved by him. At her solicitation he drew up an abstract of his Chronology, which was surreptitiously printed in France, and after his death it was published as a posthumous work under the title of ‘The Chronology of ancient Kingdoms amended. To which is prefixed A short Chronicle from the first Memory of Things in Europe, to the Conquest of Persia by Alexander the Great.’

We have, therefore, the Newtonian principles of chronology as well as the Newtonian system of the world, and the Newtonian theory of light. To so vast an extent did the discoveries of this great man prevail, and they are discoveries which time and the accumulated wisdom of a century have not invalidated.

With respect to his principles of Chronology, which are less generally known than his other discoveries, we shall give in this place a brief statement of the foundation on which they stand.

After an account of the defects and obscurity attendant upon ancient chronology, sir Isaac observes, that, though many of the ancients computed by generations and successions, yet others, especially the Greeks, Egyptians and Latins, reckoned the reigns of kings equal to generations of men, and three of them to a hundred, or a hundred and twenty years; and this was the foundation of their technical chronology. He then points out, from the ordinary course of nature, and a detail of historical facts, the difference between *reigns* and *generations*; and that though the latter from father to son, may at

at an average be reckoned about thirty-three years, or three of them equal to a century, yet when they are taken by the eldest son, three of them cannot be computed at more than about seventy-five or eighty years, and the reigns of kings are still shorter, so that eighteen or twenty years may be allowed as a just medium. He then fixes on four remarkable periods, viz. the return of the Heraclidæ into Peloponnesus; the taking of Troy; the Argonautic expedition, and the return of Sesostris into Egypt after the wars in Thrace, and settles the epocha of each by the true value of a generation.

To take the Argonautic expedition as an example: having fixed the return of the Heraclidæ to about the 159th year after the death of Solomon; and the destruction of Troy to about the 76th year after the same period, he observes that Hercules the Argonaut was father of Hyllus, the father of Cleodus, the father of Aristomachus, the father of Aristodemus, who conducted the Heraclidæ into Peloponnesus, so that their return was four generations, reckoning by the chief of the family, later than the Argonautic expedition, which happened about forty-three years after the death of Solomon. This is further confirmed by another argument: *Æsculapius* and Hercules were Argonauts: Hippocrates was the eighteenth inclusively from the former by the father's side, and the nineteenth from the latter by the mother's side: allowing 28 or 30 years to a generation, the seventeen intervals by the father, and the eighteen intervals by the mother, will, at a medium, give 507 years; and these, reckoning back from the commencement of the Peloponnesian war, or from the 431st year before Christ, when Hippocrates began to flourish, will place the Argonautic expedition in the 43d year after Solomon's death, or 937 years before Christ. Dating then the commencement of the Peloponnesian war in the second year of the 87th Olympiad, and counting back 507 years, we shall come to the 162d before the Olympiads, or about the 37th year after the death of Solomon. Sir Isaac Newton ascertains the Argonautic expedition, and several other principal events in the Grecian history, by such a variety of independent arguments,

guments, drawn from the same and different mediums, and all so agreeable to the present course of nature, that it seems impossible for a person who pays a sufficient regard to it not to be convinced by them.

Another kind of reasoning by which sir Isaac endeavours to establish the epocha of the Argonautic expedition is purely astronomical. The sphere was formed by Chiron and Musæus at the time, and for the use, of the Argonautic expedition, as several of the asterisms, mentioned by Aratus, and referring to this event, plainly show ; and at this time, as several ancient writers testify, the cardinal points of the equinoxes were placed in the middle of the constellations of Aries, Cancer, the Libræ and Capricorn. This fact is established by a consideration of the ancient Greek calendar, which consisted of twelve lunar months, and each month of thirty days, which required an intercalary month. Of course the lunisolar year, with the intercalary month, began sometimes a week or a fortnight before or after the equinox or solstice ; and hence the first astronomers were led to the abovementioned disposition of the equinoxes and solstices ; and that this was really the case, is confirmed by the testimonies of Eudoxus, Aratus, and Hipparchus.

Admitting the colures to have passed through the middle of those constellations at the time of the Argonautic expedition, sir Isaac Newton finds that the equinoctial and solstitial points had gone back $36^{\circ} 44'$ at the end of the year 1689, which, allowing 72 years to one degree, would have been accomplished in the space of two thousand six hundred and forty-five years. This number counted back from the year 1689 will place the Argonautic expedition about 25 years after the death of Solomon.

This computation proceeds upon the supposition that the middle of the constellation is exactly the middle point between the two stars *prima Arietis*, and *ultima Caudæ* : but if the cardinal points are fixed by the stars through which the colures passed in the primitive sphere, as described by Eudoxus, the equinoctial points will have receded $36^{\circ} 29'$, which an-

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swers to 2627 years, and places the expedition 43 years after the death of Solomon, very near the same year to which it was referred by the other method of computation. This remarkable coincidence is the greatest confirmation of the certainty of both those methods of investigation. Such is an outline of sir Isaac Newton's method of computation, and with this we conclude the present Introduction.—*Biog. Brit.*—*Newton's Chronology.*—*Rees's New Cyclopaedia.*

BRITISH AND FOREIGN
HISTORY

For the Year 1809.

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CHAPTER I.

Introductory Remarks with respect to the Spanish Cause, and the Expeditions to Spain and Holland, and to Domestic Politics—Heads of His Majesty's Speech—Debate on the Address moved by the Earl of Bridgewater in the House of Lords—Debate on the same in the House of Commons—Motion for Papers respecting the Convention of Cintra—Earl of Liverpool's Motion for Thanks to Sir Arthur Wellesley—Debate on the Appointment of the Committee of Finance—Earl of Liverpool's Motion for Thanks to Sir David Baird, &c. for their Conduct at Corunna—Lord Castlereagh's Motion on the same Subject—Motion of Thanks to Sir A. Wellesley for the Victory at Vimiera—Debate on a Motion for the Increase of the Army—Lord Liverpool's Motion for an Address of Thanks to His Majesty for Papers relating to the Overtures from Erfurth—Lord Folkestone's Motion respecting Mr. Jeffry—Speaker returns Thanks to Sir Arthur Wellesley—Motion by Sir Samuel Romilly and Mr. Whitbread—Debate on Mr. Canning's Motion on the Overtures from Erfurth—Mr. Perceval's Motion on Distillation from Sugar—Debate on the Increase of the Army—Committee of Supply—Speaker's Thanks to General Ferguson—Mr. Whitbread's Motion on the Office of Chief Secretary of Ireland—Militia Enlistment—Distillery—Earl of Grosvenor's Motion on the State of the Nation.

THE events of the present year, whether they relate to our own country or to the great cause in which we are embarked, have been of a truly afflictive nature. The disasters at Corunna in the commencement of the year, and the more recent expeditions in Spain and Portugal, forbid almost the hope of bridling the ambition, or curbing the vast and portentous projects of the emperor of France.

We may indeed contemplate the fate of nations with a philosophical mind, and behold, in the downfall of the monarchies of Europe, the destruction of much tyranny, and the demolition of governments hostile to the happiness of the human race; yet we must feel anxious for the liberties of the people, and the independence of nations, when so much power is accumulated in the grasp of one man, whose thirst

of dominion was probably never exceeded in any individual of the human race. From our cooperation with Spain much was expected; and the result must have been very different from what we have experienced, had the people of that oppressed and degraded country found an interest in bringing back their old government: had they determined to be free and independent, the armies sent against them must have been subdued. In some instances we have glorious proofs of what a people can do in vindicating their rights; a few of the armies of France know full well, that the highest state of discipline and the most experienced soldiers can do little when opposed by a nation enthusiastically devoted to their own cause. Should Spain ultimately bend its neck to that power which has humbled so many states; should she eventually sit down contented with a king who has no title to the crown but that which power confers, the historian will unquestionably trace the causes rather to the want of a well-directed and general opposition to the enemy, than to his prowess and numbers. The facts, and the public papers to be recorded in this volume, will indisputably prove that Spain has not yet "willed to be free and independent of France." It cannot be forgotten, that in the summer and autumn of 1808 it was almost the unanimous wish of this country to afford to the people and self-created governments of Spain every assistance in reinstating themselves in their former rank in the world. The British cabinet was excited to lend them all the aid in men and in money that their situation and circumstances could require. The experiment was fairly tried, and

the fate of sir John Moore and his brave army, the reports of every officer and man who had an opportunity of ascertaining the sentiments of the Spanish people, abundantly proved that the mass of the country did not covet British interference to save them from, what appeared to us, their much-dreaded ruin. The necessity and expediency of a second expedition to Spain, or of the still more extended one to Holland, will be discussed in the future proceedings of parliament: all will deplore their termination, and the dire effects of that disease which every medical man anticipated as the certain result of an autumn campaign in the Dutch islands. These are subjects that must occupy our attention in the closing chapters of the history of the year, though it may be difficult to unravel all the important circumstances that led to the undertaking, or which rendered it unsuccessful and disastrous in the highest degree. A recent duel between two of his majesty's ministers, and cabinet counsellors, a thing unparalleled in the history of the world, has already been the means of developing some facts important to be known as connected with the expedition to Holland, and will probably lead to other discoveries, of which we shall not hesitate to avail ourselves, to render the annals of 1809 as perfect as possible.

We have never sought occasion to degrade high authorities; our volumes have not been the vehicles to calumniate the officers of state: we are aware, notwithstanding the mighty powers committed to their charge, that they are men liable to error, and therefore have more than an ordinary claim to public candour: there must, however, be limits to this principle, laudable as,
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We trust, it is in itself; and the facts which are brought forward must not be withheld from a work which future ages will resort to as a faithful history of the times. In conformity with this principle, we shall endeavour to give an abridged but ample account of whatever relates to the investigation of the late commander in chief, omitting however the minutiae of evidence; because, to enter at large on every branch of the business, would require a volume little inferior in magnitude to that which we are about to lay before the public.

The discussions in parliament on the conduct of the commander in chief: on the convention of Cintra: the conduct of the war in Spain: on the abuse of patronage: on the charges against certain ministers for a corrupt disposal of high offices: on Mr. Curwen's bill for the prevention of the sale of seats in parliament; and on Mr. Wardle's motion respecting the public expenditure of the nation, and the mode of lessening that expenditure, will be found of great importance, and deserving the regard of those who are attentive to the political state of their country, and of the world in general.

The session was opened as usual by commissioners on the 19th of January, when a speech from his majesty was read by the lord chancellor: the purport of this address was, that his majesty relied upon his parliament for support in the prosecution of a war, which could not be terminated honourably or safely but by vigorous exertion: that he had directed the papers relating to the proposed negotiation at Erfurth to be laid before them, in the persuasion that they would agree, that the cause of

Spain should not be abandoned; the more so as he had received the strongest assurances from the Spanish government of their determined perseverance in the cause of the legitimate monarchy, and of the national independence of Spain: hence he was led to declare, that so long as the people of Spain should remain true to themselves, his majesty would continue to them his most strenuous support. In reverting to the affairs of Portugal, his majesty exulted in the achievements of his forces in the beginning of the campaign, and the deliverance of the kingdom of his ally from the presence and oppressions of the French army, though he could not but deeply regret the termination of that campaign by an armistice and convention, which he was obliged to disapprove. His majesty expressed his reliance on parliament to enable him to continue his aid to the king of Sweden, who had a peculiar claim to support, from having concurred in the propriety of rejecting any proposal for negotiation to which the government of Spain was not to be admitted as a party. Having referred to the flourishing state of the finances, and to the establishment of a local militia, which had already been attended with the happiest effects, the lords commissioners added: "We have received his majesty's commands, most especially to recommend to you, that, duly weighing the immense interests which are at stake in the war now carrying on, you should proceed, with as little delay as possible, to consider of the most effectual measures for the augmentation of the regular army, in order that his majesty may be better enabled, without impairing the means of de-

fence at home, to avail himself of the military power of his dominions in the great contest in which he is engaged, and to conduct that contest, under the blessing of Divine Providence, to a conclusion compatible with the honour of his majesty's crown, and with the interests of his allies, of Europe, and of the world."

The earl of Bridgewater rose to move an address of thanks to his majesty for the speech that had been just read. The noble earl began by expressing his regret, that the task of moving the address, which should convey to his majesty the sentiments impressed on their lordships, had not devolved upon some noble lord who was better qualified to perform it. With the permission of their lordships, he would briefly advert to the leading topics in the speech. With respect to the rupture of the negotiation, if the proposition from Erfurth deserved to be so called, he was persuaded there could be little difference of opinion among their lordships. It was impossible to negotiate upon the terms proposed, the chief of which was, that we should withdraw all protection from Spain, and leave it to the mercy of the tyranny that was preparing to overwhelm it. With respect to the transactions in Portugal, there was some satisfaction in knowing, that whatever difference of opinion might have prevailed respecting the convention of Cintra, there was none respecting the bravery of that portion of the British army which so gloriously distinguished itself on the occasion. The noble earl then briefly touched on the necessity of augmenting our military force; of supporting Sweden; of affording every assistance in our power

to Spain; congratulated their lordships on the flourishing state of the revenue, and concluded with reading the address.

Lord Sheffield rose to second the address, and, in speaking of Spain, said, "It is our own cause; it is the cause of Europe and of the world: and we cannot but concur in applauding the determination of the Spaniards to persevere, to the last extremity, in the glorious contest for their liberty—a resolution worthy of that noble nation. We cannot but admire their spirit, when we reflect on the completely disorganized state into which they were thrown by the treachery of an implacable usurper. If they should not, in every instance, act according to our notion of what is expedient, or even if prejudice should prevent them from receiving assistance in the way that we think advisable; if their communications among themselves, and with us, should not be so prompt and perfect as might be expected from a country whose government, and every thing derived from it, had not been recently dissolved and overthrown; if we should observe among them a degree of party spirit or struggles for power, we should consider it as the lot of human nature; and when we look among ourselves (and it is highly to be lamented, especially at this crisis), we discover the same. Even if all these circumstances should exist, we ought still to respect and admire their general conduct, and not despond, even though great reverses should take place. I believe there are few among us who are not convinced, that general ruin must ensue, if the war is not carried on with the utmost vigour, and that Spain is the country where the
great

great effort should be made; and how great should be our exultation when we hear that, during such a war, our trade on the whole is not diminished! Bonaparte threatened to subdue us by ruining our commerce, or by the expense of the war. We may now thank him for having made the experiment; we are relieved from all apprehensions on those points, for it is proved that neither decrees nor embargoes can materially affect our trade, and that the flourishing state of our finances enables us to carry on this expensive war without any considerable loan or new taxes. As to the embargo laid by the American states, I am confirmed in the opinion I always entertained, that it will prove more beneficial to the empire, than injurious: and we are indebted to the firmness of the present administration for a very great improvement in our situation, in respect to that country, and for the expectation that no machinations or menacing measures shall make us abandon those principles and that system, on which its greatness and power have been established. It is by contemplating these circumstances that we discover the real greatness and power of this country, and which I conceive can never be destroyed, but through our own misconduct."

The earl of St. Vincent observed, that he could not suffer the question to be put on the address, without claiming their lordships' attention for a few moments. Though he could not concur in every part of it, yet it was not his intention to propose any amendment. His principal motive for rising was, to express his unqualified disapprobation of the whole of the conduct of ministers; of every thing they had done with respect to Spain; of

every thing they had done with respect to Portugal; of almost every thing they had done since they came into power, and particularly for the last six months. The noble lord who seconded the address talked of the vigour and efficacy of their measures. Vigour and efficacy indeed! when their whole conduct was marked by vacillation and incompetence. If such men, so notoriously incapable, were not immediately removed, the country was undone. There was one part, however, of the address and of the speech in which he cordially agreed, that which condemned the armistice and convention. It was the greatest disgrace that had befallen the British arms, the greatest stain that had been affixed to the honour of the country since the Revolution. Of the manner in which the naval part of that expedition had been conducted, opportunity would arise for discussing the extraordinary arrangement that had been made respecting the fleet in the Tagus. He would not withhold from ministers whatever praise might be due to them. He would give them credit for providing plenty of transports; but what was the merit of these exertions? Any one who offered a little more than the common market price might hire as many as he pleased; but ministers not only offered that market price, but a great deal more than they should have done. And how were these employed? Why, in conveying Junot and his runaway ruffians, with their plunder and exactions, all the plate and precious stones, and rare exhibitions of art, the fruits of their robberies of churches, palaces, and private houses, to France. It was with shame and sorrow that he saw men of the highest rank in the British army and navy superintending

tending the embarkation of this enormous fund of rapine and confiscation, and conducting it, and the *devils* who had thus acquired a property in it, to those parts of France nearest to Spain, who were thus enabled to enter that country sooner than the brave fellows to whom they surrendered, and were now actually engaged in chasing sir John Moore from the peninsula. If they meant really to assist the Spaniards, why did not ministers send troops in the first instance to the North of Spain? Why did they send one part of them to Lisbon, and another to Corunna, from which points no junction could be effected without being exposed to toilsome marches, and such privations as could hardly be conceived by persons not acquainted with those countries? It seemed to him as if they were totally ignorant of the geography of the country they appeared so eager and zealous to defend. The noble earl next adverted to the court of inquiry, which he considered as an expedient rather to cover some blot in their own conduct, than to do justice to the officers who were the ostensible objects of its proceedings, or to satisfy the country. The case of the senior officer on that occasion was particularly hard; he was to be responsible for every thing, and yet he was to do nothing without consulting the third in command. He was fettered by his instructions; he was, in fact, to have no will, no discretion of his own. This odious restraint did not, to be sure, appear on the face of his instructions; but it was conveyed in a manner equally binding upon him, in the suspicious form of a private letter, a letter of counsel and recommendation, a detestable mode of proceeding, to which

he never had, or would have recourse. An attempt had been made to justify the convention of Cintra by stating, that the French could have crossed the Tagus, and got into Spain in defiance of any exertions of the army by which they were beaten. The French cross the Tagus! If they did, he would be bold to say, that every man of them must have passed under the yoke. They would have to fight their way through as brave a population as any in Europe. The Portuguese were not inferior in bravery to the Spaniards, and there were no men more gallant than the latter. He spoke of the Portuguese peasantry, for he would admit that there were no people in the world upon whom less reliance for a vigorous resistance could be placed than on the inhabitants of Lisbon. He begged pardon for having taken up so much of their lordships' time; but he could not refrain from expressing his decided disapprobation of the conduct of ministers. If the house would do their duty, they would go in that dignified manner that became them to the foot of the throne, and implore his majesty to remove from his councils those men whose measures would bring inevitable ruin on the country. In earnestly recommending this, he was not swayed by personal considerations. In a few hours he would enter into his 75th year, 61 of which he had been in his majesty's service. At this time of life, and under the existing and increasing embarrassments of the country, he could not be suspected of being very anxious to return to office. He should trespass no longer upon their lordships' patience. He thanked God for having given him strength to communicate his sentiments on the very
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critical situation of the country, and thanked the house for the indulgence it had shown him. He would offer no amendment, but content himself with expressing his dissent from the address.

Earl Grosvenor approved of that part of the speech which expressed a determination to give all possible assistance to the Spaniards, so long as they should be true to themselves. He did not despair of the Spanish cause, provided the vast means of this country were employed in the manner best calculated to distress and embarrass the enemy. He also concurred in that part of the speech which expressed disapprobation of the convention of Cintra; but he would have been better pleased if that disapprobation had been followed by an avowal that ulterior measures were intended. His lordship severely censured that military arrangement by which a British army was sent into the heart of Spain, when it should have been sent to the foot of the Pyrenees. It should have been sent to a situation where it could not be exposed to the possibility of being obliged to retreat. His lordship recommended the greatest economy in our expenditure, and the abolition of every sinecure place.

Viscount Sidmouth observed, that for himself, he would approve of continuing to support Spain so long as any hope remained; but he was not prepared to thank his majesty for a treaty, of the conditions and engagements of which he was wholly ignorant. It was not impossible, when the treaty came to be discussed, that he might approve it; but until the documents were before him, he must suspend his opinion, and, above all things, decline to pledge himself to an unreserved approbation of the mea-

sure. With the reservation he had made, and that the means which would be liberally given would not be misemployed; that the sacrifices of blood and treasure that the people of this country were disposed beyond all example to make, would be spent for the glory of the nation, and the honour of his majesty's crown, he would give his assent to the address.

Lord Grenville said, it was impossible for him to agree to the address. He never addressed himself to their lordships under such feelings as he now did; because the sentiments he was about to utter respecting the whole course of policy which this country was pursuing, were in direct contradiction to every thing he had heard that night. He could not concur with the noble lord who seconded the address, that we stood in that proud and exalted situation he had described; as little could he agree with him, respecting the failure of the attempt to cripple our resources. It was formerly the policy so to frame the speech from the throne, and the address in reply to it, that the legislature was left unfettered as to its approbation of the past, and not pledged to the future. Ministers, however, had upon the present, as well as on a former occasion, adopted a custom directly the reverse. They wished to trepan the house into an approbation of their former measures, and to betray it into a pledge of unreserved support in the measures they had in contemplation. He should only repeat the general sensation of the country, when he expressed the utmost horror and detestation of the conduct of the tyrant, who was endeavouring to usurp the throne of Spain. It was natural for the people of this nation

tion to applaud the efforts of a people. If he were called upon to say whether it was wise in the past, or in the future, to send armies to Spain to support that people, he must say that it was not. His opinion last summer was, that there did not exist such a prospect as justified the sending an army into Spain. In making this assertion, he did not mean to be understood as deprecating and condemning exertion of every kind in favour of that people. There were ways in which they could receive material assistance. He would not deny that naval and small military expeditions should be employed in their favour. These, properly directed, would have assisted the Spaniards more than any army we could possibly send to their support. Instead of adopting this system, what did we do? Why, send an army of 40,000 men to encounter the whole force of France. Whenever we acted on the continent, we always appeared as an auxiliary; but now we dropped that character, and came forward with 40,000 men against Bonaparte, at the head of four times that force. He regretted that the system contained in that excellent paper, "Precautions,"* had not been followed, and that the Spaniards, instead of carrying on a desultory war, should have been guilty of the imprudence of engaging in pitched battles against the ablest generals, and as well disciplined armies as any in the world. The moment we appeared on the theatre of war, the Spaniards were necessarily compelled to adopt our system, and abandon their own. They gave up all the advantages of a

harassing desultory mode of warfare. He had also to complain that ministers did not meet parliament sooner, and that some communication had not been made from the throne at the conclusion of last session. He waited for that communication, being resolved to come down and protest against sending an army into Spain, and exposing it to that fate which he scarcely had courage to contemplate. It appeared to him as if ministers had purposely concealed and withheld from parliament, the knowledge of what they intended to do. He had resolved before he came down to state this, and he found additional reason in the speech for adhering to his resolution. The most that could have been done for them was to afford them the means of arranging their defence in the Pyrenees or the neighbourhood. There lay her best chance of defending herself against the unjust aggression of the enemy. The French had been driven out of Madrid, or at least compelled to withdraw from it. They retired to the provinces contiguous to their frontiers, where they were cantoned in small parties. Had the British troops been landed in Biscay, in any thing like an adequate force, with the assistance of the Spaniards, they might have driven the French beyond the Pyrenees, and delivered up to the former the keys of their country. Instead of co-operating in this way, it would seem as if ministers had explored the map, to see at what part of the peninsula, most remote from the scene of action, they could land the troops. Ministers had not indeed been sparing of expense on this

* See Public Papers in the last volume.

occasion. They had military and civil commissioners in the capital, and in the great towns, and almost in every village in Spain. And yet, with all these means at their disposal, for two long months, not one preparatory arrangement was made, not one step taken to march an army into Spain. When they should cooperate with the Spaniards at the foot of the Pyrenees, they land the troops at Lisbon and Corunna, from whence they were to proceed through almost impracticable roads, and a country the most deficient in resources of any in Europe. How could he consider these instances of ignorance and misconduct, and say, that their exertions were vigorous and efficient? The speech noticed the armistice and convention. He wished noble lords would attend to the answer which was to be returned to that part of it. That house knew nothing of the convention—nothing of the armistice—nothing of the disapprobation expressed by his majesty of these arrangements; and yet the house was to be called upon to concur in this disapprobation. This was that “impartial justice,” which was described in the petulant and offensive answer returned to the address of the city of London, and which was meant to cast a censure upon the whole body of the people of England. His lordship next alluded to what had fallen from the noble lord who seconded the motion respecting the American embargo and the failure of every attempt to cripple our commerce. He so far would agree with the noble baron, that for this blessing the country was indebted to the firmness, as it was called, of ministers. Their orders in council were the cause of that embargo. If any one doubted it, let him read the

communications of the president of the American government, and the documents by which it was accompanied. But to put the question beyond all cavils, let noble lords consider the proposition that had been tendered by the American minister. They would see that it was to the rejection of that, that the continuation of the embargo, or the substitution of a measure equally hostile to this country, was to be ascribed. He knew that the American government were influenced by a strong bias and partiality to France; but the majority of the people of America had no such partiality. They were advocates for British connection. They were too deeply impressed with the advantages resulting from it to sacrifice them either to their government, or to any point which did not affect their honour as a people, and their independence as a country. He was persuaded it was the intention of ministers to drive matters to extremity with America. This intention was ill disguised in that insulting and sophistical answer which had been returned to the proposal of the American minister. Had that proposal been adopted, we should now have America in alliance with England, and at war with France. From the moment that America offered to withdraw the embargo, he asserted, a new epocha took place, and the question assumed quite another aspect; for by that concession, he asserted, America in fact made common cause with us against France, and it was an infatuation in ministers not to come to accommodation with her.

The earl of Liverpool vindicated the address, and the whole conduct of ministers. He contended that the expedition sent to Portugal

Portugal was one of the most complete that had ever sailed from the British ports. He contended, with respect to sending a large force into the heart of Spain, that great risks must be run where great objects were to be obtained. He could assure the noble lord and the house, that nothing was more remote from the intention of ministers than to involve the country in a war with America. He should think that the admission made by the noble lord that the government of that country evinced a partiality for France, would furnish a solution of the circumstances in the present state of things between the two countries. The embargo could not have been, nor was it first alleged to have been laid in consequence of the orders in council, because the American government could not then have known that such a measure was actually in agitation. But in a subsequent communication to Mr. Erskine, Mr. Madison stated that the *probability* of such orders being issued, was one of the causes of the embargo. The proposal of July last, to this government and that of France, showed a bias in favour of the latter. To France the inducement to revoke the decree of Berlin was war with England; to us the advantage held out was only the continuance of the embargo with respect to France. His lordship concluded with a few remarks on the flourishing state of our commerce and finances.

Lord Moira decidedly differed both from his noble friend and ministers, as to the conduct which should have been adopted with respect to Spain. There was a period in the war when the force which we now have there would have been sufficient to have stopped

the passes of the Pyrenees, and led to the capture of every Frenchman in that country. This was the only plan which presented any chance of a successful issue. It was the rock split in the desert, but we had neglected to drink at the fountain. The consultation with the people of Corunna, in the then state of things, was as ridiculous as if the commander were to go to consult the inhabitants of Penzance what should be done if the enemy were to land in Scotland. His lordship entered at some length into the question of the convention of Cintra, and declared that his opinion as a member of the board of inquiry was, that no blame attached to the commanders in a military point of view, the only error of that transaction being of a political nature, and therefore not within the constitutional scope of the powers vested in the board. The result of their decision was to render an inquiry into the conduct of ministers indispensably necessary, as they alone were responsible for the political conduct of the expedition.

Lord Erskine reprobated the address, and the conduct of ministers, and was answered by the lord chancellor, lord Buckinghamshire, and lord Mulgrave.

Lord Auckland referred to the various arguments of the preceding speakers, and said, he felt himself prevented from entering fully into the subject, only because the faculties of his mind were depressed and weighed down by his anxieties respecting the sufferings and fate of our armies in Spain.

The question was then put, and carried without any amendment.

In the house of commons Mr. Robinson rose to move an address to his majesty, in answer to the speech. He said, that the leading topic

topic in his majesty's speech was his majesty's refusal of the overtures of France and Russia for a treaty of peace, founded upon the abandonment of Spain to the mercy of the common enemy. But whoever looked to the situation of this country, and the circumstances which led to her connection with the Spanish nation, would not be disposed to consider it the duty of his majesty to accede to such a proposition, so dishonourable to the character of the British empire; or that such an accedance could tend to obtain a purpose so desirable as peace and security to this country, much less to the rest of Europe; but, on the contrary, that a vigorous prosecution of the war must tend more effectually to an honourable peace, than any partial or temporizing system of pacification; and that we were bound to that country by every principle of honour and good faith, to contribute every aid in our power that could enable her to resist the usurpation and tyranny of the ruler of France. It might appear to some, that the cause of Spain, over which the dawn of new liberty at first appeared rising, had now become less interesting than at first it appeared; but he knew no subject more highly interesting, than a great and powerful people rising, as it were, unanimously, to resist the tyranny and usurpation of a foreign despot; nor any thing more worthy the support of Great Britain, than the struggles of a nation asserting a cause so congenial with her own. Speculative men might differ as to the measures Spain might be disposed to adopt. But, even if it did not appear that Spain wished to restore Ferdinand, yet such a disposition was not incompatible with their resistance to a foreign tyrant; and, if we con-

sidered the inevitable results of ultimate success to the enemy in the subjugation of that country, we must feel the policy, as well as the duty, of extending to her the powerful aid of the British arms, to uphold her in this arduous conflict; in which, not only the remaining interests of this country, but of Europe, were at stake. Under these circumstances, the resolution of his majesty called for the applause and support of the house. To desert the cause of Spain, in compliance with the proposition of France, and Russia, would be an act of dishonour incompatible with the character of the British nation; and even all the advantages of peace would not be worth purchasing at such a price as that of incurring the certain contempt of Europe and of posterity. The honourable member concluded by moving an address to his majesty, which was, as usual, an echo of the speech.

Mr. Lushington rose to second the address, and he entered at large into the reasons for supporting the cause of Spain. He said, "I trust, therefore, that every member of this house will feel, that the faith of Great Britain, solemnly pledged, to Spain and Sweden, must be religiously observed, and that the preservation of that faith, in all cases of difficulty and trial, is the surest tower of safety of this country, and the best hope of deliverance to the rest of the world. His majesty has expressed the lively satisfaction he has derived from the achievements of his army, in the commencement of the campaign in Portugal. Sir, there is not a hamlet in this empire which did not partake of his majesty's feelings, in viewing the successes which crowned the valour of his troops, whilst they were under the sole

sole command of my right honourable friend; though the nation universally shares in the anguish of his majesty's heart, upon the extraordinary infatuation which sacrificed all the glories of Vimiera to the enemy. Yet I trust that the disappointments and difficulties which have occurred, great and severe as they are, will have no other effect than to inspire us with additional vigour, and stimulate us to new exertions, in the confidence that the same skill and heroism will hereafter lead to happier results.

Mr. G. Ponsonby said, the awful circumstances under which the present session was ushered in, he should think, would of themselves, without his majesty in his speech having adverted to the deplorable situation of Europe, have inclined the house to enter upon the subject, and to give it their most serious and attentive consideration. His majesty had in his speech informed the house, that there was no chance or hope of closing the present unfortunate contest, but by an active and vigorous perseverance in carrying on the war in which we were now unhappily engaged. He had no doubt but his majesty was perfectly right in this: but though he might agree in the position laid down in the speech, he could not but fear for the issue and event of the contest, when he considered that the conduct of the war was likely to remain in hands so weak, so feeble, and so imbecile, as those of his majesty's present ministers. Never, he believed, in the history of this country, had it been recorded, that the public force had been directed with so little skill, foresight, and effect, as during the time in which it had been under their control and management. Here he entered at large

into the conduct of ministers with regard to Sweden and Spain, observing that they appeared to have had no fixed point in view, but to have vacillated and fluctuated as circumstances changed, and to have depended on the chapter of accidents. They had acted, evidently, without any settled plan; and from such conduct no good could possibly be expected.

By the inquiry which had been instituted as to the convention in Portugal, it appeared that sir Arthur Wellesley had been sent out without any particular instructions, he had accepted a sort of roving commission, and was allowed to act as he might think circumstances warranted him to do. This was, in his opinion, the very worst system that could possibly have been adopted. With an army that was not large, it was altogether incompetent to do any thing effectual.

His majesty, in his speech, had told the house, that "there were some parts of the convention which had met his formal disapprobation." It happened, however, that these parts had hitherto remained an entire secret, till they were thus recently disclosed; for no one that he had met with knew what those parts were. But though no individual has yet been capable of finding them out, it would indeed be extraordinary if that house did not use its utmost endeavours to know them. The vigour of his majesty's ministers had been most peculiarly evinced in this expedition to Portugal; for it appeared, from the proceedings of the board of inquiry to which he had before alluded, to be the undivided opinion of all the generals concerned in it, that the convention was not to be avoided, from the want of every thing essentially necessary for the equipment of the army, and most particularly

cularly from the great deficiency of cavalry. How came this to be the case? Was the noble lord (Castlereagh) so limited in his means, that he could not, from the whole disposeable forces of this country, send out more than two hundred cavalry? Was the noble lord in want of transports? Who would imagine such a want as that could ever be in the contemplation of the noble lord, who had so often lamented in doleful strains, and almost with tears in his eyes, the want of those vehicles for our troops, and particularly for cavalry, with which he had accused a right honourable friend of his, not then in his place (Mr. Windham)? Who would have imagined that the noble lord's vigour would so have slept, as that our army should have suffered for want of cavalry so very essentially as to be the principal cause of our generals' being compelled to agree to a convention which had stamped such an indelible disgrace on the arms of the country? In the papers containing the proceedings of the inquiry, there were some things relating to the cavalry, which were actually ludicrous. One of the generals says, they were old, lame, and some of them blind, and altogether unfit for service; nay, that some of them died on their passage from old age and weakness.

The second reason assigned as an excuse for the convention by the last general of the three sent to Portugal, was time. Where commanders-in-chief relieved each other quicker than relays of post-horses, time had been urged as highly important. It was thought necessary that in a given time the French should be got out of Portugal, in order that our army might march into Spain to the assistance

of the Spaniards. Yet though the convention was signed the 30th of August, it was near ten weeks afterwards before our troops reached Spain. The noble lord had conducted the French troops in transports to a port, from which their march into Spain was very short; but our troops had a distance of more than 500 miles to march before they could be of the smallest service to the Spaniards in assisting them to drive the French out of Spain.

The house had that day been told in the speech, that his majesty had expressed his formal disapprobation of the convention; yet his majesty's ministers had thought proper, on receiving the account of it, to fire the Tower guns. His majesty seemed to have a nicer feeling and a more tender regard for the honour of his arms than his present ministers entertained; and therefore, though they had thought proper to fire the Tower guns, he was of opinion that it was necessary to give a formal disapprobation of it.

He thought it would have better become his majesty's ministers to have waited till they knew from the Spaniards themselves, how our army could be most essentially disposed of for their defence and assistance; and then they would not have sent their army to Portugal on an expedition which was ultimately closed by this disgraceful convention, on which they thought fit to bestow the honour of firing the Tower guns. The whole nation, however, thought differently from ministers on this subject, and the first city in the empire thought it proper and necessary to address his majesty on the occasion. In this address the corporation of the city of London prayed

prayed "that his majesty would be pleased to institute such an inquiry as would lead to the discovery and punishment of those by whose misconduct and incapacity the cause of this country and its allies had been so shamefully sacrificed."

To this prayer an answer was returned, "that it was inconsistent with the principles of British justice to pronounce judgement without previous investigation." They were received by ministers with peculiar rigour; and the lord mayor, aldermen, and common-councilmen, were completely overturned. He found himself, however, at a loss to conceive how any thing contained in this address could be called contrary to any principles of justice. But, in his opinion, ministers had, on that occasion, put into his majesty's mouth language that was neither suited to the constitution of the country, nor proper for the mouth of its sovereign. There was a flippancy in it which was very foreign to the importance of the subject, and the dignity of those concerned in it. If his majesty thought it fit to rebuke his subjects of the city of London for what they had done, there was unquestionably a language much more suited to the occasion than that which had been adopted, which was captious and petulant, and unworthy the source from which it flowed. It looked as if his majesty's present ministers were irascible at the proceedings of the corporation and citizens of London, who had so often before shown themselves pliant and amenable to their views, and that they could not brook this deviation from their general rule of conduct.

He again enlarged on the affairs of Spain; adverted to what was

said in his majesty's speech with regard to Sweden, and was surprised no notice had been taken of America, and concluded by saying that he had no wish or intention to disturb the unanimity of the house on this occasion by opposing the address, but he should take an early opportunity of desiring the opinion of the house with regard to the convention in Portugal, the conduct of the war in Spain, and also as to the conduct of ministers respecting America.

Lord Castlereagh said, that the general approbation which the right honourable gentleman had given to the assistance afforded to Spain, relieved him from a great part of what he should otherwise have had occasion to observe upon; and he should now only have to take notice of what had fallen from the right honourable gentleman relative to the conduct of the war. Whatever might have been the want of vigour in his majesty's present ministers, so much complained of by the right honourable gentleman, he believed the country would not have much more to hope for, if the reins of government should fall into the hands of the right honourable gentleman and his friends, who had given such ample proofs of zeal and anxiety for the welfare and interests of the country, by deserting all those who were then allied for the defence of the cause of Europe. The first objection the right honourable gentleman had made was to want of vigour in Sweden. With respect to our naval part of that expedition, no one could deny that it had been attended with a most powerful and beneficial effect; and the marquis de la Romana had, on his arrival here, declared, that if it had not appeared the

the day it did, his army, consisting of 9000 veteran Spanish troops, which it saved, was to have passed into Zealand, followed by that of Bernadotte, for the purpose of taking and keeping possession of it. It had also been attended with the most important and beneficial effects in keeping the Russians in check, and preventing them from greatly damaging, if not destroying, the Swedish navy. As to the land expedition, it was sent, without waiting for the signing of a particular article relating to it, at the express desire of his Swedish majesty's minister here, to co-operate with the forces of his Swedish majesty. What was the reason for calling it back, he had no reason to refuse disclosing, except what related to our ally. He agreed that his majesty's present government had the most important and weighty responsibility attached to them, that had ever been exercised by that of any country; he owned they had only to ask for money and to have it; and he was ready to meet the right honourable gentleman, or any others, on the question, that his majesty's present ministers had used the ample resources which had been intrusted to their management, with as much power and effect as possible; and if the great cause in which they are engaged did not prosper in their hands, it would not be from want of zeal, activity, or vigour, but from a preponderant and overpowering means which there was no possibility of accounting for or counteracting. As to the idea which had been thrown out, of the propriety of directing our forces to Spain in the first instance, instead of Portugal, he must say there never was a fallacy more absurd than the idea of a very inferior

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force occupying the passes of the Pyrenees, and cutting off entirely the communication between two armies infinitely superior. This fallacy seemed to arise from the idea that an army, when once landed, could put itself on march the next morning to attack the enemy. There were some persons who appeared to think that an army once landed could act as speedily as a ship when it has left the port. The difference, however, was very great: the ship had nothing to do but to go with the wind, and meet the enemy; whereas an army when landed had much difficulty in collecting provisions, and the means of transporting the necessary baggage. If the present administration were, however, to have waited till every thing was ready for the reception of our armies, they must have stood as still as the last vigorous administration, who actually did nothing while in office. [*Cries of Hear! hear! from the ministerial benches.*] He would venture to say, from the melancholy experience of the fate of general Blake's army, that if a British army had landed at St. Andero, and scrambled as far as general Blake advanced, none of them would ever have come back. He was convinced that there was not a single military man who would support the idea of a campaign in the Pyrenees for a British army. The right honourable gentleman had stated, that the expedition which achieved the deliverance of Portugal had been sent to sea to seek its fortunes, without any particular direction from government. The fact, however, was directly the reverse. The expedition under sir Arthur Wellesley did sail with a most precise and determinate object. It had been ordered to go immediately to

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the Tagus, without stopping at Corunna. This direction was given in consequence of precise information received from sir C. Cotton, (which, however, afterwards turned out to be false,) that there were no more than 5,000 French troops in Lisbon and the other forts upon the Tagus, and that sir A. Wellesley's expedition would be sufficient to dislodge them. The expedition, then, was sent out with a precise object and with precise instructions; but it would hardly be contended that government should have so completely tied up the hands and the discretion of such a meritorious officer as sir A. Wellesley, as to say that he must on no occasion take advantage of any favourable circumstances which might occur, in the varying and fleeting fortune of the war, without waiting until he had made a direct communication to government upon the subject, and had received their answer. It appeared to him that floating armies, under the command of trust-worthy officers, might be of great service, even when acting according to the circumstances of the times, without any particular directions from government. As to the attacks which had been made upon him for not having sent sufficient cavalry, he was ready to strengthen the right honourable gentleman's argument, and to admit that it was only by accident that there was any cavalry at all sent. It was not supposed that cavalry was a proper description of force to send with those floating expeditions, which might be a long time at sea before they found a favourable opportunity for landing. Some of the cavalry, however, which were in Portugal, had happened to come from the Mediterranean. He should always pro-

test against the notion that we were never to engage an enemy unless we were equal or superior to him in cavalry. He would ask the house, Would they wish to blot out from the page of our history, those brilliant victories which we had gained when much inferior in cavalry? At the glorious battle of Alexandria, sir Ralph Abercrombie had but 150 dragoons, and the French had 2,400 cavalry; and at the battle of Maida sir John Stuart had no cavalry at all. In the expedition to Portugal, the government had made sufficient provision even of cavalry. Our army would have been superior to the enemy in this respect, if the cavalry which was in Mondego Bay on the 20th (the day before the battle) had landed: the 18th dragoons were also very near. He would allow, however, that if sir Arthur Wellesley had had the cavalry on that day upon which he routed the French, perhaps more completely than ever they had been routed on a former occasion [*Cries of Hear! hear!*], the result of that victory would have been still more glorious. Although he was free to confess this, yet he must entirely resist the idea of government having neglected its duty in any particular. He could assure the right honourable gentleman, that although his sagacity might enable him to lay his finger on some fault in the present government, yet he felt confident that his majesty's ministers could prove to the satisfaction of the house and the country, that they had not been negligent in the great trust which had been reposed in them; and no greater personal favour could be conferred upon him, than in giving him the opportunity of defending those measures for which he felt himself so highly responsible.

responsible. Here the noble lord entered into a vindication of ministers with respect to their answer to the city of London, and concluded with saying he congratulated the country that parliament was now met, and that those subjects which were so interesting to the feelings of the nation, and to its honour, would soon be fully and fairly discussed.

Mr. Whitbread said, that he had no intention of answering all that had fallen from the noble lord, but he could not help noticing and condemning the light and fanciful manner in which the noble lord spoke of our campaign in Spain. When it was considered that one of the greatest armies which this country had ever sent into the field was now in Spain; that it was under an officer of the first merit in his profession; and that, nevertheless, it was under the necessity of retreating; when it was considered, that news had arrived this very day of Bonaparte, with an army three times superior, hovering near it and threatening its right wing; and when it was also considered, that perhaps before the house should break up that night it was not improbable that intelligence might arrive of still greater calamities, he did not conceive the noble lord was justified in talking so lightly of our operations in Spain.

He must declare, that the country was now coming to that state, whether by the mismanagement of ministers, or by the force of events, that party considerations must cease. (*Cries of Hear! hear!*) He should rejoice much to find that ministers could clear themselves from any charge of mismanaging the resources of the country, and prove that all the disasters which have recently happened, proceed-

ed only from that course of events which was beyond their control. If, however, these disasters should appear to proceed from the misconduct of ministers, he thought the house should demand condign punishment on their heads. He could not blame the ministers for sending a British force, in the first instance, to co-operate with the Spaniards: but since then, they had had time enough to consider whether the sending a British army into Spain was likely to be of any service; or whether, on the contrary, the retreat of it would not do a positive mischief, by disheartening the Spanish patriots. It was now doubtful whether we had not been proceeding on false information all along, both with respect to Spain and Portugal. We were not now so sure as we formerly thought ourselves, of the feelings of Spain; we were not perfectly content with the reception which we had met with in the different provinces of that country. The marquis de Romana complained of the reception which the inhabitants of the north gave to the French troops, which made it seem as if they would be well content that the French should conquer. Although we must condemn the ambition and injustice of Bonaparte, in his attack upon Spain, yet the means which he pursued for the attainment of his object were extremely judicious. He abolished the inquisition, feudal rights, and unequal taxation. This was certainly holding out some temptation to the people to acquiesce in the changes which he wished to introduce. Unless every Spanish heart could be embodied in the cause which was now at issue, there was very little hope of ultimate success. There were parts of the address which had not his

concurrence, and yet he did not like to move an amendment. As to that part of it which spoke of vigorous and persevering exertions, he would allow generally that they were necessary, not only in contemplation of war, but even on the eve of negotiation; but if that expression meant any thing like *bellum ad internecionem*, he must differ from it altogether. He by no means condemned ministers for not accepting the propositions sent from Erfurth, as there was no man in the country who could admit of the abandonment of Spain, as a preliminary to peace; but what he found fault with was, that the country was apt to run wild with every gleam of good success. When the Spanish patriots were successful last summer, nothing was spoke of, or thought of, in this country, but the utter ruin of Bonaparte: and many politicians of the old school were thinking even of the divisions into which France was to be cut up. It was miserable for the country to be led so far by every tide of good success. Even if the Spaniards had driven the French out of their country, they would have done but little more against the overgrown power of France. He recollected, that at different periods of the war, it had been said that England would never make peace unless this thing and the other were given up by France; and yet we afterwards were ready to treat with her, allowing her to retain those things. A few weeks after a negotiation failed, we were always ready to call the man, with whom we had been content to negotiate, an atrocious usurper. He thought that ministers were not only justifiable in refusing to treat on the terms offered at Erfurth, but that they

would have been the basest of mankind if they had accepted such a preliminary. He could not, however, avoid regretting that the country had lost so many fair opportunities of negotiating a peace, and that it had at length been reduced to such an extremity that it could not have accepted it without eternal disgrace. He could not avoid expressing satisfaction at hearing of the improving state of the revenue; he could not at the same time avoid stating, that the improvement of the revenue was always attended with an increase of the influence of the crown, and with an increasing corruption of the country. He could have wished, that in the speech some intimation had been given that the report of the finance committee would have been taken up, and if so, whether some retrenchments might not be made. If this were done, the country would pay with more satisfaction what was absolutely necessary. He should wish to hear from some minister that that committee was to be revived, and who were the men that were to compose it. At least, he should hope, that a set of men would not be placed in it for the purpose of counteracting the labours of the other. If this were done, it would gratify the people, if it could not relieve them. He did regret that nothing had been mentioned respecting our relations with America. The same infatuation seemed now to prevail with respect to that country, that existed in the time of the late American war. There were the same taunts, the same sarcasms, and the same assertions, that America could not do without us. He must deprecate a war with America, as being likely to be much more injurious to us than to them.

them. What good had resulted from our orders in council? The French armies took the field and wanted for nothing, although we predicted that we could ruin them by depriving them of medicines and colonial produce. He hoped, however, that the subject would again be discussed in parliament, and that they might be able to find a way to heal those wounds which the right honourable gentleman had inflicted.

Mr. secretary Canning was surprised, that when the honourable gentleman considered the times such as should preclude all party considerations and party questions, he should yet call for condign punishment on ministers. (*No! No! from Mr. Whitbread and other members.*) If, in employing the force at their disposal in the manner that the general feelings of the nation called for, ministers had done wrong, they had certainly a great responsibility; but he was convinced that it would not appear that there was any negligence or criminal inattention to the great interests of the country. He said, in referring to Spain, that she was informed that as soon as a theatre was afforded for a British army to act, that it would act. An expedition under sir David Baird arrived at Corunna ten days before provision had been made for its reception; but what would the accusers of ministers have said, if they had lost the favourable wind in waiting to send messages to Spain and receive answers? He was convinced that there was nothing which human foresight or diligence could have effected that was not done. He thought that at the close of the last session it was perfectly understood by all parties, that the assistance to Spain should be given in

such a manner as to show that this country had no selfish or sinister object. It was not therefore for this country to propose to Spain any reforms in her government. Bonaparte might destroy institutions and introduce others; but it was not becoming this country, although possessing the freest and happiest constitution, to hold cheap the institutions of other countries, and to make its auxiliary army appear like a domineering garrison in the country. We could not make the Spaniards a braver people than they now are; and they would be freer and happier by their own reforms. When the supreme junta invited all the wise men and literati in Spain to join their ideas about the reforms that were necessary in the state, it was evident that they were not indifferent about the melioration of the country, although the immediate objects of the war were for their sovereign and their national independence. He was convinced, independently of the circumstance of Portugal being an old ally, if it were only to be looked on as part of the Spanish peninsula, the Tagus was a more proper destination for the expedition than St. Andero. There were one or two other points to which the honourable gentleman (Mr. Whitbread) had asserted that no answer had been given. The first was the omission of any mention of America in the king's speech. This had been done, because ministers had no statement as to any change of American circumstances to make. The honourable gentleman thought ministers much to blame in their conduct of the American negotiation: but this was not a case between America and England, but between belligerents and neutrals.

The question was, whether France or England was the aggressor; and America had, it would appear, sided more in favour of France. The justification of France to the Berlin decree was, that England was the first to violate neutralities; and this statement America countenances. She always talks of the aggression of Great Britain, and the retaliation of France. The right honourable secretary entreated the house not to suppose that the American embargo, that was to be paired off with our orders of council, was the consequence of those orders. The orders of the 7th of January bore an honourable appearance; and whatever blame might be thrown on those of November, at least they did not hinder a reconciliation; for attempts at reconciliation followed immediately. The right honourable secretary concluded with pointing out the delicate situation of ministers, placed as they were between the popular feelings and a desire to do right; but as to maintaining any other opinion than that which they conceived to be the just one, whether it came from one side of the house or the other, he trusted that gentlemen would acquit ministers from any such intentions. The right honourable secretary congratulated the house on the commencement of that campaign of opposition, which, if it were carried on as it was begun, would doubtless contribute to the material improvement of the house.

Mr. Tierney, Mr. Rose, jun. Mr. Alex. Baring, Mr. alderman Combe, and Mr. Herbert followed; and the question was then put, and carried without a division.

On the 20th various papers were moved in both houses: among others, lord Henry Petty, in the

house of commons, moved for the "report of military officers constituting the board of inquiry into the armistice and convention of Cintra," and also for "the formal disapprobation of his majesty concerning certain particulars of that event." This was a motion which he trusted would call forth no opposition, as even the inconvenience of the slightest delay relative to the production of these papers must be obvious to the house. When they were produced, he meant to make them the foundation of a motion.

Lord Castlereagh professed that government were willing to give every facility possible to the object of the noble lord.

Mr. Wardle gave notice that he would, on Friday next, make a motion relative to the conduct of his royal highness the duke of York, in the sale of commissions, their exchange, and the raising of levies thereon. After this the honourable Mr. Robinson brought up the report of the address voted to his majesty, which was read a first time.

On the motion for its being read a second time,

Mr. W. Smith rose, not for the purpose of any fastidious opposition, but merely to express a few opinions which he entertained on the subject. Many propositions of peace had been made to this country for the last sixteen years, every one of them fraught with some disadvantages, and which were always increased on each successive application. Now, though he undoubtedly coincided with ministers in their refusal of the last proposition (an acceptance of which would have for ever stained the honour and integrity of the nation), still he could not accede to the

the opinion that we were to listen to no proposal while Spain remained in the hands of France,—a pledge by no means politic or called for. With respect to Sweden, it had been hinted, that the payment of our stipulated subsidy should not be considered as a tie on her not to make peace when an opportunity occurred; no doubt, the destinies and future political contingencies of that country were liable only to the judgement of her government; but yet, if this principle was admitted, and if a condition of the treaty of peace proffered to her should be an association with the northern confederacy for the purpose of shutting the Baltic, what would be the consequence? Why, plainly this: that our money, paid to a supposed and nominally, would tend to the creation of an efficient enemy! The right honourable secretary of state seemed particularly anxious last night not to be considered in the light of a culprit called forth for examination. He hoped ministers would be enabled to exculpate themselves; but if it appeared that they had needlessly involved the interests of the country, that a fine army intrusted to their management was at this moment, perhaps, passing "*sub furca*," there certainly was blame attachable either to those who planned or executed such measures. A fatality for many years had attended the measures of this country, but still the interference of secondary causes was allowed; and if it should be apparent that human wisdom had not been sufficiently exerted, that favourable opportunities had not been carefully improved; and that adversity had fallen on us, not through necessity, but neglect; then indeed government did deserve the verdict of cul-

pability, and its natural consequence, the most severe censure.

The report was then read a second time, approved, and ordered to be presented to his majesty.

Jan. 23. Lord Auckland, in the house of peers, stated, that a noble friend of his (lord Grenville), whose absence, on account of illness, he had to regret, but whose illness would not, he hoped, be of long continuance, had requested him to state to the house, that if he (lord Grenville) had been enabled to be present, he should have joined in every tribute of applause to the merits of sir Arthur Wellesley. His noble friend had also requested him to move, that the lords be summoned for this day fortnight, when it was the intention of his noble friend to bring forward a motion to address his majesty to rescind the orders in council; and to found that motion upon the letter which had been published from the American minister to our government, and the answer of the secretary of state. It was requisite that these papers should be before the house; and his lordship, therefore, moved for the production of the correspondence between the ministers of the two governments.

The earl of Liverpool spoke a few words by way of limiting the motion: his lordship then rose, pursuant to notice, to move the thanks of the house to the right honourable sir A. Wellesley, K. B. and to the officers under his command, for the victories gained by them in Portugal on the 17th and 21st of August last, especially for the glorious and signal victory achieved on the latter day, by the British troops under the command of that gallant and distinguished officer. In the view which he was prepared

to take of this splendid subject, it was his anxious wish and intention most strictly to adhere to the matter of those achievements, and most religiously to separate them from any other topics, respecting which, in the subsequent issue of the operations in Portugal, a diversity of opinions might be expected to prevail. He should therefore briefly advert to what had passed from the landing of sir A. Wellesley in Mondego Bay, to the issue of the battle so gallantly fought at Vimiera. The march from the Mondego to Vimiera was achieved in about twelve or fourteen days; and when the nature of all the circumstances attendant on that march is duly considered, the march itself, had nothing else followed, should be considered as an extraordinary achievement. It was entered upon with not more than 13,000 men, and in the course of its progress the additions which the army received did not make it amount to 17,000 men. With that number sir A. Wellesley had undertaken to expel the French from Portugal. Such indeed was the suggestion of his own judgement, as well as the tenor of the instructions with which he had been furnished by government. The number of the enemy proved afterwards to be more considerable than at first had been expected, and in the action of Vimiera the far greater portion of that force was employed. In short, it was the impression made by the issue of that engagement, which led to the accomplishment of the great object of the expedition, the deliverance of Portugal from the French. In the battle of Vimiera, a display was made of that judgement, gallantry, conduct, and intrepidity, which, as far as the amount of the numbers engaged,

has not been surpassed by any former exploit. It attested, beyond controversy, the bravery of the British troops, and proudly contributed to uphold the character and glory of the British arms. Such being the aspect under which he imagined it must be viewed, both by their lordships and the country at large, he could not but regard it as one which fully justified the motion with which he should conclude, and in which there was every reason to expect that their lordships would unanimously concur. Perhaps, however, that might be a wish in which he was inclined too fondly to indulge. Indeed it had been given him to understand, that some objection might be made to the motion, because it was not to include the name of sir Harry Burrard. He was at a loss to see any just ground of objection arising from that omission. It was an omission which could never have been intended to insinuate the smallest disrespect for the character, or disapprobation of the conduct, of that estimable man and able officer, as far as either could be involved in the object of the present motion. To any thing subsequent to events immediately connected with the motion, the motion with which he should have the honour to conclude had no relation whatever, and would not go in any respect to pledge the opinion of any noble lord respecting it. As to the nature of the objection, which from a private communication he was informed would be urged against it, he could only say, that in his estimation it could have no weight, except from the respectability of the noble lords by whom it might be urged. It possibly might be objected, that by conferring a vote of thanks of that house

house on the achievements referred to of sir A. Wellesley, the omitting the name of sir H. Burrard would be construed into a stigma on the military reputation of that officer, who at the close of the glorious action at Vimiera was understood to have had the chief command. For such an objection he did not think that any noble lord could adduce the least foundation, especially when the particular circumstances in which sir H. Burrard was placed, and the opinions which he himself had officially expressed, were duly weighed and considered. It might be said that sir H. Burrard had arrived on the field before the battle of Vimiera was concluded, it might be said that previously to that battle he had been consulted as to the antecedent arrangements that had been made by sir A. Wellesley, and which arrangements were universally acknowledged to have prepared the brilliant successes of that day. It might be said, that during such consultations sir Harry Burrard ought to be and actually was considered as the commander-in-chief, and that therefore sir H. Burrard was by right included in the present motion of a vote of thanks. He was ready to admit the truth of these premises; but he could not acknowledge the necessity of acquiescing in the conclusion that was drawn from them. Several instances might be mentioned when votes of thanks had been moved and unanimously carried in that house, to officers who had distinguished themselves in separate and subordinate commands, without such votes having ever been considered as any disparagement of the merits or claims of those officers who, upon such occasion and on such services, were invested with the

chief command. He should content himself with referring to two of those instances, namely, when that house had passed a vote of thanks to lord Nelson, for his achievements at the Nile, and at Copenhagen, on both of which occasions he had acted under a superior officer; yet it never then entered any noble lord's mind, that such a vote of thanks, bestowed on such splendid services, was any derogation from the military merit and character of the gallant admirals who at the time were invested with the chief command: so far for the precedent. Now if attention was to be paid to the opinion and language of sir H. Burrard himself, as conveyed in his dispatches communicating the glorious result of the engagement at Vimiera, what was the inference to be deduced from them? Did not the gallant general himself declare that he approved of the arrangements that had been made by sir A. Wellesley at the commencement, and during the continuance of the action; that he instructed him to persevere in them, and that he declined assuming to himself any of the merit and glory of that splendid achievement? If any thing was particularly handsome and praiseworthy in this behaviour of sir H. Burrard, it was, no doubt, the magnanimous self-denial on his part, which induced him to forbear any interference in a work that had been so judiciously begun, and so gloriously terminated by sir Arthur Wellesley. Indeed, he could not help observing that any opposition to the present motion, supposed to grow out of a different interpretation of the sentiments of sir H. Burrard, could not, in his opinion, so much redound to his praise as the conduct which he had himself pursued on that occasion,

sion, and which, in relating the event, he had so modestly and forcibly exemplified. Nothing, most certainly, could be further from his mind than any intention to throw the slightest slur on the character and conduct of sir H. Burrard by proposing a vote of thanks to sir A. Wellesley. On the contrary, he felt that every praise was due to him for appreciating as he had done the important and signal services performed by sir A. Wellesley on that occasion. They certainly struck him as of the most splendid and important nature; and, whatever might be the complexion of the events which had since occurred, this only confirmed him the more in the justice and propriety of the motion which he should now have the honour of submitting to their lordships. The noble earl then concluded with moving, "that the thanks of that house be given to the right honourable sir A. Wellesley, and the officers under his command, for the important and signal victory gained by him at Vimiera on the 21st of August last."

Lord Moira rose, and expressed his regret that a sense of duty must compel him to object to the motion of the noble earl in the terms in which it now stood. He trusted it would not be imagined that, in urging any objection to the present motion, he had the least wish or intention to derogate from the merits and glory of sir Arthur Wellesley. He would be the last man in the world to tear a sprig from the wreath of laurels that so deservedly encircled the brow of that gallant and distinguished officer, whose exploits that house and the country had had such frequent occasion to acknowledge and reward. In rising on the present occasion to state his objections to the tenor of the

motion, he could be swayed by no other motive but a sense of duty, which he conceived to press upon him more urgently than perhaps upon any other noble lord, on account of the painful task imposed upon him in the part he took as a member of the late court of inquiry. There was laid before him a minute account of the conduct and operations of the different generals who successively had the command of the British army in Portugal. From that account it appeared that sir H. Burrard arrived on the coast of Portugal on the 20th of August, the day before the battle of Vimiera: that in the evening of the 21st sir Arthur Wellesley had explained to him the nature of what he had already done, and of what he intended to do: that sir H. Burrard, even then, signified a wish that further offensive operations should be abstained from until the arrival of the expected reinforcements: that on the next day a battle ensued: and that sir H. Burrard, in immediately proceeding to the scene of action, was apprised of it, and guided only by the noise of the firing: that upon entering the field, and learning the state of things, he approved of the plan and measures pursued by sir A. Wellesley; which plan and measures he certainly was not disposed to disturb or alter, as circumstances then stood. Through the whole of this conduct, their lordships must observe, that sir H. Burrard, by approving the measures of his predecessor in command, had subjected himself to all the responsibility that might be incurred by the result; and that, if a defeat, instead of a victory, had ensued, upon sir H. Burrard would have fallen the due weight of the blame or disgrace of the disaster. If then he had so far

far taken upon himself the responsibility of the consequences, was it more than justice that he should participate at least equally in the honours bestowed on an enterprise, to the blame of which, had it otherwise turned out, he had rendered himself liable by his approval of the steps taken by sir A. Wellesley? This was a consideration which would no doubt weigh with their lordships, not only as one which nearly touched the reputation of a gallant officer, but which must tend to have considerable influence and effect upon the military service in general. Too much caution could not be observed in making distinctions such as the present motion would inculcate and sanction; nor could that house be too much on their guard in conferring the high honour of their thanks on any ordinary occasion. With him at least these motives, and a regard to the justice that was due to the character of sir H. Burrard, had sufficient weight to induce him to object to the motion as it now stood, and to move as an amendment, that the name of sir Harry Burrard be introduced into the wording of the motion.

Lord Harrowby and several other noble lords spoke on the subject; after which lord Moira withdrew his amendment, and the original motion was carried *nem. con.*

Jan. 24. In the house of commons, the chancellor of the exchequer rose, to move for the revival of the committee for inquiring into the expenditure under the several heads of revenue, commonly styled the committee of public finance. On the propriety of reviving that committee he conceived there could be no difference of opinion, and therefore he felt it unnecessary to detain the house long upon that

point; but as he contemplated some change by reduction in the number of members, from what had been settled last year, he should in the first place state his proposition to the house, and wait to hear if any objections should be made to it. The honourable friend opposite to him (Mr. Banks), who had so ably and efficiently for the public service, and so honourably for himself, filled the chair of the finance committee for many successive sessions past, would see, that the idea of reducing the number of the committee originated in a suggestion of his own, that by such an alteration greater dispatch would be effected in the disposal of the business referred to them; and the profits of their labours could by such means be more speedily and more frequently laid before parliament; and dispatch must be allowed as a desirable object, so long as it was no impediment to the discovery of truth. In proposing to the house the names of the members to compose this list, it was by no means his wish, nor could it, he thought, be conducive to the objects of the inquiry, that they should all be men of the same political sentiments. It was likely that the inquiry would be more efficient if made by a committee of gentlemen whose political attachments were on each side of the house. He should therefore propose, as a basis, the list of 25 members who composed the last committee, and reduced them by selection to 15, the number he proposed for the new committee; and so far was he from wishing to mark in the selection anything like what might be supposed a leaning towards his majesty's ministers, he was anxious rather that the balance should tend the other way. In making this selection,

lection, conformably to the suggestion of his honourable friend, who had so ably filled the chair of the former committee, he thought it of the highest importance to retain his name; and expressed his hope that his honourable friend would have no objection to resume the duties of a situation in which his talents, his discernment, and his zeal, were so well calculated to give effect to the labours of the committee. The right honourable gentleman then read to the house the list of fifteen, viz.

H. Bankes, esq.	R ^d Ellison, esq.
H. Thornton, esq.	N. Calvert, esq.
J. H. Leigh, esq.	J. Brogden, esq.
Lord H. Petty,	Rt. hon. P. Ca-
H. Joddrell, esq.	rew,
Isaac H. Browne,	R ^t hon. H. Grat-
esq.	tan,
Hon. D. Browne,	R ^d Warton, esq.
R. M. Biddulph,	L ^d A. Hamilton.
esq.	

And he moved, that they be appointed a committee to inquire and examine, &c. as before.

Mr. Bankes said, he had certainly mentioned to the right honourable gentleman, that a committee constituted as the last was, could not so effectually lay before the house the result of their labours, as if their number was more compact. He expressed his thanks to the right honourable gentleman for his civility in attending to his suggestion, as well as for the handsome manner in which he was pleased to speak of his humble exertions in the duty which devolved upon him. He was willing to suppose the right honourable gentleman, in placing him at the head of the list, wished him to accept the situation he had before the honour to fill, and did not desire to impose upon him the painful and invidious task of objecting personally to any mem-

ber named in the list just read. In any sentiment which he might express upon this subject, the house would, he was confident, excuse him, and not impute to any intention of private offence that which he felt as a public duty. As to the appearance of his name on the new list, he had not objected to it, as his right honourable friend had expressed a wish that he would allow it to stand there. He was at the same time convinced his right honourable friend might have chosen a much more proper person, and might have found many persons upon the list of the committee much more competent to fill the chair, although in the duty of regular attendance and zeal, to the best of his ability, he would yield to none. He begged leave, however, fairly to say, that as the list was now constituted it was quite impossible for him to admit of being called to the chair. No consideration on earth should induce him to take the chair of the committee as just named.

Mr. Peter Moore was glad the honourable gentleman had so expressed himself; as, if he had not, he must have done so himself. After the reports already laid before the house, session after session, by former committees, without producing one effectual step on the part of his majesty's ministers to remedy any of the abuses pointed out to them, or taking any effectual step towards a serious system of public œconomy, the public would conceive the nomination of such a committee as the present a mere farce to cajole and delude them. What had been done by the right honourable gentleman at the head of the finance, in consequence of the first great recommendation of the former committee, of which the honourable

honourable member who last spoke had filled the chair, in respect to the bargain with the bank of England? Why, that a sum of 60,000*l.* was taken as an equivalent for their advantages in the management of the public money, when 260,000*l.* ought to have been demanded. He considered this as nothing else than a bribe to the bank out of the public purse, while the right honourable gentleman was obliged to make good the deficit by laying new taxes upon the country. The next prominent point was, the recommendation in the report of the former committee, respecting the gross defalcation that had occurred in a department of great public expenditure, at the head of which was the right honourable Thomas Steel, who had taken above 19,000*l.* under false pretences; and what had been done by his majesty's ministers in that case? Why, nothing more than merely to demand of him the payment of the money, instead of directing the king's attorney-general to institute a prosecution against him. The third report recommended the abolition of sinecure places with enormous salaries. But what had been done? Why, to employ new clerks to correct the errors of inefficient clerks, but without any measure being adopted of public œconomy. If his majesty's ministers were really serious in their wishes to check abuses, to stem profusion, and to œconomize the public purse, they had ample grounds to proceed on in the reports of the finance committees already laid upon the table of the house within the last three years. Judging, however, from their utter supineness and obvious contempt of those reports, and the measures therein recommended, he could not help considering the nomination of

such a committee as a mere delusion; and that as little was meant to be done in three years to come, as in three years last past. There was every reason for the people to murmur at the delusive result of a system from which they were taught to expect œconomy and reform.

Mr. Yorke was of opinion that the reduction of the committee, in the manner proposed, was an implied stigma on the members whose names were omitted; and he should rather prefer the smaller inconvenience that might arise from reviving the whole committee, than the greater and much more objectionable alternative of calling into discussion the merits of individual members. He regretted the opinion expressed by the honourable member who had spoken second on this question, because he knew that opinion would go forth and have weight with the public, whom it might disincline to attach confidence to the committee. The public would never be satisfied with a committee nominated by any particular set of men. He did not mean to say that abuses did not exist that might demand reform; and if the committee was to be revived, it would be better to reappoint it just as it stood before, than force the house to the invidious task of discussing the merits of particular men. But, for his part, he was not quite sure it was necessary to reappoint the committee at all. In all events, he thought it would be better to give the house a day for examining the reports already made, and afterwards reappoint the committee, if it should appear necessary.

Mr. Whitbread said, that after what had already been stated, it was quite impossible the public could

could expect any good to arise from the committee. He thought a nomination coming from the honourable member who first opposed this list, as an independent country gentleman, infinitely better than one from any chancellor of the exchequer, be he who he might. The honourable member who first opposed this list, had acknowledged his own suggestion for a reduction of the number of the committee; but it was obvious to himself that great partiality might be used in the omission of particular names, and the retention of others that were highly objectionable; though he would admit, that some names were left out as objectionable as any that were retained. To one name in this list particularly he had objected, upon what he conceived to be good grounds. A question had been put, certainly, upon that name, and his objection was overruled; he unquestionably should feel it his duty to repeat his objection against it now, and put it again to a question. The public had certainly a right to expect, from the original appointment of the finance committee, that much public good would be derived; and undoubtedly, if the reports they had already made had been acted upon, hundreds of thousands, nay millions, of money might have been saved to the country. Of what effect was it for the committee to deliberate and report, if their recommendations were to remain a dead letter? Was it expected they would live centuries?—and centuries they must live to produce any effect, if it was considered that in the whole of the last long session they were enabled to produce but one report. The honourable gentleman who first opposed this list, had shown the greatest zeal and

ability in his endeavours to render the labours of the committee efficient for the purposes of their appointment; no man was a more competent judge than himself of the men most likely to co-operate with him for purposes so desirable. He therefore thought the house had a right to call upon the honourable gentleman for a list of 15 names of such men as he would wish to act with. But a list from the chancellor of the exchequer was a mere farce, and as such it would be considered by the people.

Mr. A. Wharton said, that after what had fallen from several gentlemen who had spoken on the subject then before the house, he deemed it necessary that he, situated as he had been, and particularly objected to on the appointment of the committee, should request the house to indulge him with their attention till he offered a few observations. He had endeavoured to discharge the trust which the house had done him the honour to confide to him, with every possible degree of assiduity in his attendance, and the most anxious desire to contribute all in his power to effect those important objects which it appeared to him the house had in view, in appointing the committee of which he had been a member, and which was now intended to be revived. It had been said, that there were many delays during the time that the committee was in the exercise of its functions. He allowed this to be the case; but he was at the same time bold to say, that those delays had in a great measure proceeded from a long paper which had been introduced by the honourable gentleman who was chairman of the committee; and he believed that every opposition that paper had met with, either

either from himself, or any other honourable member of the committee who thought proper to object to it, arose from a consciousness on their parts, that the paper alluded to contained many particulars relative to the prerogative of the crown; and other matters not at all relating to the expenditure of the public money, and which he himself and the gentlemen who thought as he did, from time to time opposed, because they did not think proper to register the honourable chairman's edict, without having examined its various contents, and their several bearings; more especially as he thought that it contained many things which were never in the contemplation of the house to inquire into, when they appointed the committee. As for his own part, he had been actuated by no other motive than a real regard and zeal for the public interest, and, as such, had pursued the line of conduct which appeared to him most conducive to that end; and he should, therefore, by no means regret his name being left out of the committee, if the house should think proper to revive it.

A long debate ensued, in the course of which several members spoke on both sides; when the question was put and carried that a committee should be appointed.

Jan. 25. The earl of Liverpool, of the house of peers, rose for the purpose, as he observed, of submitting a motion to their lordships, which he presumed there could be no possible objection. Among the brilliant military exploits of this country, there was not one which shone with greater lustre than that contained in the official details which were lately published. It was as signal an instance of British valour, discipline and talents,

as any that was to be found in our annals. He could not boast of being deeply versed in military affairs; but he always understood, that between armies nearly under equal circumstances, with respect to numbers and physical strength, the advantage on the side of the aggressors was almost in the proportion of ten to one; and yet against such fearful odds a British army was able to contend, and not only to contend, but to conquer. If their lordships looked to the result of the battle before Corunna, they would acknowledge that it was most important. Every object for which it was fought, was completely gained. The embarkation commenced that evening; and such were the effects of British valour upon the enemy, that during the whole of the next day no attempt was made to interrupt it. Nearly forty-eight hours were gained, during which every man was embarked, and the whole of the sick and wounded removed on board the ships. But these glorious advantages were not unalloyed. The splendid victory that was gained, was clouded by the loss of the brave officer to whose admirable dispositions, and the energy that was infused into the troops by the example of coolness and courage that he exhibited in his own person, it was chiefly owing. The triumph was damped by the death of the hero that achieved it. It was unnecessary for him to expatiate on the merits of sir John Moore. They were fresh in the memory of his country, and would live for ever in her gratitude. That gallant officer had devoted the whole of his life to the service of his country. During the two last wars there was scarcely an important service in which he was not engaged. In the
early

early part of his military career he was distinguished for intelligence and activity: when to these admirable qualities he added the advantages that result from experience, it was not surprising that he became, as he was allowed to be, a perfect military character. Their lordships, he trusted, would excuse him for paying this small tribute to an officer with whose acquaintance he was honoured, and for whose private virtues and professional talents he felt the highest respect; and for whose death, even glorious as it was, no one could feel deeper regret. He would not detain their lordships longer, but submit to them the resolution of which he had given notice. It was framed analogous to that which their lordships agreed to in the case of the victory of Egypt, which the battle of Corunna resembled in some of its circumstances. In both, the enemy were the assailants; in both, they were defeated; and in both, the commanders of the British army fell, even in the moment of victory. His lordship concluded with moving the thanks of the house to sir David Baird, generals Hope, Mackenzie, Fraser, lord William Bentinck, &c. &c. for their gallant conduct in repulsing a superior French force before Corunna.

Lord Moira observed, that he did not rise to oppose the motion. He fully agreed in every thing that had fallen from the noble lord respecting the merits of sir John Moore. He would allow, that on no occasion had British valour been more conspicuous, or the superiority of British discipline more manifest. But, in admitting this, was he not entitled to ask the secretary of state for what purpose so much precious British blood had been shed? Did it produce any advantage to the

country? Were the troops sent to Spain to escape from, and not to protect it? The misconduct of ministers had marred the greatest opportunity that ever presented itself for arresting the progress of the power of France. Where was Spain now? All the hopes that could have been formed of establishing an alliance on the continent vanished with the fate of that nation. There was not a state in Europe to whose alliance we could look. The examples of misconduct, vacillation, and final desertion, which we exhibited in Spain and in Sweden, would deter them from having anything to do with us. Was this to be attributed to the British officers and army? No. The noble secretary had absolved them from having in any way contributed to this stain upon the character of the country. The whole failure of the expectations of the nation was directly chargeable to his majesty's ministers. If we were a sinking country, the fault was entirely theirs. The people had a right to see that the blood which was spilled had not been unprofitably shed. The energy of the country must interfere, and put an end to that system of weakness and incompetence that was hurrying it into ruin. His lordship concluded with giving his cordial consent to the motion.

Lord Mulgrave regretted that their attention should have been drawn to any other object, and that observations should have been made, intending to destroy the unanimity which might have, on this occasion at least, been reasonably entertained. He assured the noble lord, that ministers were as willing to meet any inquiry on the subject of their conduct with respect to Spain, or any other power, as he could be to demand it.

Lord

Lord Sidmouth cordially approved the resolution. Never was British valour more eminently distinguished than in the battle before Corunna. When he considered the disadvantages under which it was fought; that it was after a rapid march of seventeen days successively, by routes hardly practicable, through a country affording no resources, it appeared to him as one of the most noble instances of courage and patience that the military annals of any country could boast. Something had fallen in the course of the debate, to which he thought it necessary to advert. He alluded to an expression used by a noble friend of his (lord Moira). He had with astonishment heard it said by that noble lord, that this was a sinking country. A sinking country! Where did the noble lord find the proofs of such humiliation? Was it in the examples of British bravery exhibited at Roldia, at Vimiera, at Corunna? There was, he trusted, both the means and disposition in this country to resist the colossal power of France. In point of military reputation, the country stood on a prouder eminence than ever. It possessed the means of maintaining that exalted state; it was the duty of their lordships to see that they were not abused. He concluded with repeating his unqualified approbation of the vote of thanks.

Lord Erskine thought as highly of the discipline and courage of the British army as the noble lord who moved the resolution; and it was because he thought thus highly of it, that he must express his deep regret at the manner in which they had been lately employed. The troops that were sent to Spain were, in fact, immolated. Their

lives had been squandered as little to the advantage of the country as if they had been shot on the parade in St. James's Park. He felt exalted by the bravery which that army had shown, not merely in the battle before Corunna, but during the arduous and toilsome march that preceded it.

Lord Grenville began with declaring, that the events which had been made public in the course of the three last days weighed most heavily upon his mind. It would have afforded great relief to him to abstract his mind from these calamitous circumstances, and to direct the few observations he had to offer solely to the resolution proposed. The motion before the house was such, he believed, as had never before been submitted to the consideration of parliament. It was to vote thanks for a victory that terminated in a retreat. The conduct of the troops was above all praise. They discharged their duty to their country. The failure and slaughter through which they had passed to the last glorious exhibition of their valour, they owed solely to the disastrous councils which employed that valour upon a frantic and impracticable object. When he last addressed their lordships, he had not the smallest hope, he did not believe that it was possible to bring off any part of the army. He rejoiced that it had been able to make good its retreat, though with the sacrifice of one-fourth of its strength, part of its artillery, and all its horses and baggage. It was owing to the talents of sir John Moore that any part of it was brought back. The expedition originally was an ill planned, visionary, and frantic measure. His lordship justified the expression used by the earl of Moira, "that

we were a sinking country." We exhibit, said his lordship, every symptom of it. We must make up our minds to the adoption of feelings with which we have never yet been conversant. The hand of Providence was upon us. Within three years, we had lost two of the greatest statesmen the country ever saw—men who, in a peculiar degree, from their great and commanding talents, were entitled to the confidence of the country. Within the same time we had lost a naval hero of transcendent talents and courage. Now we have to regret the loss of a military chief, who, if it had pleased Providence to spare him to us, would have equally upheld the power and increased the glory of his country. His lordship here expressed his concern that the name of general Anstruther, who was known to have been the particular friend of sir John Moore, and to have enjoyed his confidence, was not included in the resolution. He again lamented that the talents of officers like these should have been so unprofitably employed; that they were placed in that situation in which they could be of no advantage to their country. Disasters might have been expected, but success was impracticable. The fault was in the system, in the advisers of this notable plan for opposing the overwhelming power of France, and not in the brave men who were charged with the desperate task of executing it. Of a country so governed, and so content to be governed, no sanguine expectations could be entertained.

The earl of Westmoreland spoke on the other side, when the motion was put and unanimously agreed to.

In the house of commons lord

Castlereagh rose to make a motion on the same subject. It was some consolation to his own feelings, in calling the attention of the house to the lamented loss of a valiant and illustrious commander, which the country has sustained in the death of sir John Moore, that there were circumstances accompanying that melancholy event, in which the country had to exult by the new and unparalleled triumph of her arms. Whenever the occasion arose for parliament to express its gratitude and approbation of valour and success, it seldom had happened that the house had not cause to lament the loss of many gallant officers and valuable lives. But it had rarely occurred upon former occasions of this nature, that the house and the country had to lament the loss of a commander who so eminently combined in his own character all those manly virtues and consummate military talents which distinguished sir John Moore, and so admirably marked him as a fit champion in the great cause for which he was selected by his king and country; but however severe his loss, and however deeply it must be deplored, still there were some circumstances attendant upon his dissolution to qualify that loss, namely, the brilliant victory obtained by the British troops under his command, and the knowledge that he had lived to see the progressive success of those able and masterly dispositions he had made of her troops. He was wounded early in the action of the 16th; and though his wound was of so severe a nature that he must have been immediately aware of his approaching dissolution, yet he possessed all his fortitude and presence of mind to the last moment. For himself, he had only one wish to express,

press, and it was uttered with his last breath, that his country might devote to his memory some mark of approbation of his services. That country, the noble lord was convinced, would cheerfully concur in handing down to posterity its own gratitude for his eminent and illustrious deeds in her cause. All that he regretted was, that he had not been able to fulfill all the duties imposed upon him, and finally to rescue from the tyranny of France the gallant but oppressed nation for whose aid he bled. The fault, however, could not rest with him. [*Loud and repeated cries of Hear! hear! hear! from the opposition side of the house, and echoed from the treasury benches.*] The noble lord continued: If gentlemen on the opposite side of the house conceived there was any thing defective or blameable in the conduct of his majesty's ministers on this head, they would have a future opportunity, more becoming than the present, to mark their feeling, [*Hear! hear! loudly and repeatedly as before.*] and notwithstanding the clamour with which they thought fit to mark this occasion, he felt no hesitation in declaring, that strongly as he felt the gratitude the house and the country owed to the memory of the illustrious officer whose loss they had now to deplore, he felt no less strongly the approbation that was due to his majesty's ministers for their conduct in the cause of Spain. The life of the illustrious commander he now deplored, though but short, was zealously and gloriously occupied in the service of his country. The noble lord said he would not detain the house by a minute detail of his gallant exploits, because he felt that the faint picture his humble abilities enabled him to draw would fall

infinitely short of the merits he desired to celebrate. In speaking of the battle of Corunna, the noble lord said it was a battle not surpassed in the annals of military fame: for, if consideration was given to the nature of the country through which the British had marched to that place for many successive days, at an inclement season of the year, under the most harassing disadvantages and galling privations; that the enemy was greatly superior in numbers; that the movements of each army had been conducted with a rapidity almost unequalled in military history; that by the fatigues of such a march the natural strength of each individual must have been exhausted, and the force of the army greatly reduced by the loss of numbers who had fallen under weariness and consequent inability to continue the march, so that none but the choice troops of each who had surmounted these difficulties remained to be opposed to each other; and yet when it was recollected that under all these discouragements the British troops were promptly found, under the gallant general, in such a disposition as enabled them to repulse an enemy greatly superior in numbers, and remain masters of the field of battle—words were inadequate to convey a complete degree of praise to a general who could lead them to victory under such circumstances. So complete was this victory, that the army, after remaining unmolested for the night on the field of battle, were the next day able to embark, in the presence of the superior force whom it had beaten the day before; and the whole were embarked, without leaving even a wounded individual, a piece of artillery, or any thing which the enemy could boast as a trophy;

trophy; a service in which the naval force there assembled eminently shared. A more splendid monument to the military glory of this country was never before raised; it was however damped by the loss of a great character, whose memory must ever be dear to his country. He wished not to detain the house by stating any other of the exploits of this illustrious officer; but he was confident the house and the country would cheerfully accede to the proposition he had now to submit, for devoting to the memory of general Moore a lasting mark of national gratitude, by erecting to him a monument, as a just trophy to his fame, and an excitement to those he left behind to imitate his example. The noble lord concluded by moving an humble address to his majesty, praying that he would be graciously pleased to give direction for a monument to be erected to the memory of lieutenant-general sir John Moore, knight of the bath, who was killed by a cannon ball in the battle of Corunna, on the 6th January, 1809, after having led his troops to an action, which terminated in a complete repulse and signal defeat of the enemy, and secured the safe embarkation of the British army, leaving his country to deplore his loss; and that this house would make good the expenses thereof.

Lord Henry Petty rose to express his most cordial assent to the motion of the noble lord. Never did any proposition more completely meet his sincere approbation. It was a mark of duty and of gratitude the house and the country owed to that great and immortal commander, whose loss all must now deplore, for his gallant and important services; and it was therefore not without proud satis-

faction that he joined in the eulogium of the noble lord, no less just than emphatical, and to express the hopes he entertained, that those sentiments of the noble lord would go forth to the country with equal force and emphasis. But while the house was assembled thus to perform a service of piety and public duty to the memory of the great and illustrious general who had fallen in the public service, it was not without feelings of the strongest indignation that he had observed this day a part of the public press of this country—that venal part usually devoted to the service of the noble lord—occupied in endeavouring to traduce the memory of that illustrious general, to undervalue his services, to wound his fame, and to tear the laurels from his brows even in death. [*Hear! hear! hear! from all parts of the house.*] The directors of that print no doubt imagined that in this base and cowardly attack they were consulting the wishes of the noble lord; they would now, however, see their mistake; and he had purposely fixed upon the emphatic words of the noble lord to show the contrast. But while the house was occupied in the purpose of erecting a monument to the memory of that great man, it was their duty to do justice to his fame and character, “more durable than marble.” The house, therefore, in giving its consent to the motion of the noble lord, should not stop there. If there was any thing erroneous in the conduct of a great man, there are those who were of opinion that the grave should shelter them from censure. That, however, was not his sentiment; but if there was any error chargeable to sir John Moore, after having engaged in a great and arduous

duous public service to his country, and after having perished in an attempt to save his army, the voice of censure should at least be suspended until his surviving fellow-soldiers should have time to do him justice, by a detail of the circumstances under which he acted.

The motion was then carried unanimously : as were immediately afterwards, other motions of the noble lord's, for the thanks of the house to general sir D. Baird, and all the other generals and officers in the battle of Corunna ; and of high approbation of the conduct of the non-commissioned officers and privates of the army, for the valour displayed by them on that day.

Lord Castlereagh then said, that as great part of the glory and splendour of the transaction was owing to the spirit, activity, zeal, and enterprise of the navy, he was sure the house would most readily agree to bestow on the officers and men engaged in that part of our service the same distinguished mark of their approbation as they had just accorded to those of the army. He moved, therefore, the thanks of the house to rear-admiral De Courcy and rear-admiral sir Samuel Hood, and the officers under their command, for their exertions in aiding the enterprise of our troops at Corunna.

Also an acknowledgement to the non-commissioned officers and seamen, of the approbation of the house for their exertions, activity, and zeal on the same occasion.

Both the resolutions were put, and agreed to *nemine contradicente*.

BATTLE OF VIMIERA.

Lord Castlereagh rose in pursuance of the notice he had given on a former day, and which, as a dropt order, he had last night revived for this day, to make his

motion for the thanks of the house to sir Arthur Wellesley, and the officers and men under his command, for the brilliant victory they had obtained at the battle of Vimiera.

His lordship began by observing, that whatever differences of opinion might have taken place, or might at that moment exist, as to the various matters which had occurred since that brilliant achievement, he was sure, there never was, at any period of our history, a stronger burst of national gratitude than that which was universally proclaimed by the people of this country on the receipt of the first intelligence of the gallant and glorious victory of Vimiera. He was happy in being able to separate that splendid event from any circumstances, not so favourable, which might subsequently have attached to it ; and he had no doubt but the house would be ready to coincide and go along with him in opinion, that the success and glory attending the splendid event of the battle of Vimiera, on the 21st of August last, deserved the highest admiration, and the warmest thanks of that house and of the country. It was impossible to find, in the military annals of Great-Britain, a more glorious instance of the superiority of her arms, than had been given on that occasion. We had had our victories of Egypt and Maida ; but however brilliant those of any former period, none had ever exceeded that on which we was then speaking, which had afforded us a further striking and unquestionable proof, that whenever or wherever we had brought our troops into action with the French, they had shown themselves greatly superior in courage, hardihood, and discipline. Whether in infantry, artillery (on which the French so

highly plumed and valued themselves), or cavalry, the character of the soldiers had, on this occasion, once more taken a tone suitable to the free and excellent constitution under which they lived, and the principles which they had from their infancy imbibed and cherished; and though our attempts were carried on upon a smaller scale, yet whenever our efforts had been engaged for the service of the world, they had on all occasions proved triumphant. In speaking of what preceded that day, the attack of the almost impregnable post which the enemy possessed on the 17th (it was well known they had acted on a confined scale, but in the battle of the 21st, on a much more extensive scale), would show that there was never a more splendid proof of the superior gallantry and courage of our troops, or the consummate skill of the commander, than had been displayed at the battle of Vimiera. Of twenty-one pieces of artillery, with which the enemy went out that day into the field, only eight remained in their hands. They were also very much superior in cavalry; and, taking all the circumstances which attended that illustrious event into consideration, it was impossible any language could do justice to it, and he really felt that to dwell longer on such an action would only be to weaken the praise it was his wish to bestow on it; he would not, therefore, trespass further on their time than to move—

“That the thanks of the house be given to lieutenant-general sir Arthur Wellesley, for the gallantry and conduct he displayed in the victory he obtained over the French in the battle of Vimiera.”

The resolution being read from the chair,

Mr. H. Addington seconded the motion.

Lord Folkestone said, that disagreeable as the task was, he must dissent from the motion, and he would as shortly as possible explain his reasons for so doing. The noble lord had said he was not actuated by any partiality in bringing forward the motion; and he hoped it was unnecessary for him to add, that he was not moved by any act of hostility to the gallant general in question, in making the objections to the motion to which his duty impelled him. It had, as he understood, always been held, that the thanks of that house should not be voted without the most striking proof of some superior valour and achievement, or that some good consequence, highly beneficial to the interests of this country, had ensued. He was very willing to admit all the merit of courage and gallantry which attached to the character of sir A. Wellesley, and also the enthusiasm of the army towards him; but he could not see that it had been productive of any such good consequences as in his opinion ought to have resulted from it. He admitted the truth of the noble lord's statement as to the enthusiasm of the country when the news first arrived; but he believed that enthusiasm had subsided, and a very different opinion had since become general as to the result of the battle alluded to. The noble lord had said the French were superior in numbers, but he was of a contrary opinion. It appeared from the dispatches, that the French army amounted to 12 or 14,000 men; the British army consisted of from 14 to 16,000 men, besides 1200 Portuguese troops. By the report of the officers of the court of inquiry,

inquiry, which had sat on the results of that battle, it appeared that they could not blame sir Harry Burrard for objecting to the advance of our forces. The immediate consequences of that objection were, the armistice and the convention, of which, or of some parts of which, the house had recently been informed, his majesty had expressed a formal disapprobation. Neither of the victories, therefore, appeared to him to deserve the thanks of the house. Another objection in his mind was, that no mention was made in the vote of the name of sir H. Burrard, to whom he thought great praise was due for the part he had acted, and which it was owned by the noble lord he deserved, for his conduct on that occasion. From all these circumstances, he objected to the vote of thanks for the battle of Vimiera, as he did not think it of that brilliant description to demand a vote of thanks, and it fell short of those good consequences which ought to have resulted from it; but on the contrary, the whole of the expedition had ended in a manner that was disgraceful to the country.

Along debate ensued. Mr Whitbread moved that sir Harry Burrard should be included in the vote of thanks, an amendment which he afterwards withdrew; when the resolution of a vote of thanks to sir A. Wellesley was put, and carried, with the sole dissentient voice of lord Folkestone.

The thanks of the house were next voted to major-generals Spencer, Hill, and Ferguson; and to brigadier-generals Auchmuty, Nightingale, Fane, and Bowes, and the officers under their command.

A resolution was then agreed to, expressive of the approbation of the house, of the conduct of the

non-commissioned officers and privates.

Lord Castlereagh rose, pursuant to a notice on a former night, to call the attention of the house to the necessity of increasing still further the regular and disposable force of the country; and although he felt that the subject was of great magnitude and importance, he did not think it would be necessary for him then to trouble the house at any great length. In the speech which had been delivered from the throne at the commencement of the session, there was no topic which appeared to be received with greater pleasure, and in which parliament would be more disposed zealously to concur, than that part of the speech which declared his majesty's intention to augment, by every practicable means, the military force of the country. The principle of the measure was, as he believed, generally admitted; and the only difference of opinion that he apprehended was, with respect to the best and most effectual means of procuring the increase that was necessary in our army. As he trusted the house would grant him leave to bring in his bill, he should have opportunities hereafter to enter more fully into a defence of the measure which he intended to propose. It had been now ascertained, that on every extraordinary crisis a considerable supply could be obtained from the regular army, by availing ourselves of the zeal and spirit which were always manifested upon such occasions by the militia, who were always willing to volunteer when there was a great and permanent necessity for increasing the disposable force. We had now so far profited by the experience which had been derived from the last success of the experiment, to feel

a confidence that we might always rely upon the spirit of the militia on such occasions; and out of 28,000 which were permitted to volunteer from the militia into the line, more than 27,000 actually did volunteer within the space of twelve months. They were certainly, from their discipline and previous service, the very best recruits which the army could have got. The extent to which he now proposed to limit the volunteering into the line would be, that no regiment of militia should be reduced to less than three-fifths of its present force, and instead of 36,000 men to be raised in England to supply the deficiency, he should now propose only 24,000. He apprehended that it would be impossible to get rid of the ballot altogether; but still an effort might be made to obtain men by a milder process, and to relieve the counties from the great pressure which they had been exposed to formerly. For this purpose he should propose that a great part, if not the whole, of the expense of raising the men should be defrayed not by the counties, but by the public.—[*Loud cries of hear! hear!*] He should propose that the public should pay the bounty for enlisting, not altogether as high a bounty as would be given for enlisting for more general service, but what he thought would be a sufficient bounty—about ten guineas. If the voluntary enlistment did not succeed, and that the country should be compelled to have recourse to a ballot, it was his intention, in that case, to propose that the bounty of ten guineas should be given to the balloted man to assist him in procuring a substitute. Where the country gentlemen should find the expense fell upon the public and not upon

the counties, he had great hopes that their local exertions in support of the measure would be more effectual. He was very sanguine in believing, that by this means a sufficient number of men might be got without any material or very sensible pressure upon the country. If, however, his hope was disappointed, and a ballot should be absolutely necessary, even in that case the pressure of the ballot upon individuals would be much diminished by the assistance which they would receive from the public purse. Having thus put the house in possession of the general features of the plan which he intended to submit to the consideration of parliament, he should not enter into any general observations upon the present occasion; but hoping that he would in future stages of the bill have opportunities enough to answer any objections which might be made to the plan, he should now content himself with moving, that leave be given to bring in a bill to allow a certain number of the militia to enter into the regular army.

Mr. Tierney said he could not approve of any increase of the army, on the ground of a larger number of men being wanted for foreign service, as he did not know on what foreign service our armies could now be usefully employed. He thought that before the house agreed to give a larger disposable force to government, they ought to have an account from ministers of what they had done with that great force which had been voted abroad two years ago. It was his opinion that a greater disposable force ought not to be intrusted to those ministers who had managed so badly what they had hitherto had under their direction.

Sir. T. Turton could not consent to one sixpence increase in the burdens of the country, until the absolute necessity should be proved. They had voted last session 183,000 men; and yet, when it came to sending an army to the relief of Spain, not more than 28,000 men could be collected. The army had displayed valour, but as usual it was only in resisting the attacks of the enemy. Their valour was sufficient to secure their retreat, but not to gain the fruits of victory. He did not find more than 36,000 men had been employed in Spain and Portugal. He therefore could not see what use ministers made of the disposable force about which they talked so much, and he should therefore oppose the present bill in every stage. The sum voted for our army last year, including ordnance, was twenty-three millions; and when so great a vote could only produce 36,000 men to oppose the enemy, he considered it unnecessary to vote any increase of the public burdens upon this account.

Lord Milton wished to know for what purpose the noble lord wanted greater disposable armies? Did he mean to send another army to Spain to endeavour to turn back the tide of Bonaparte's success? or did he mean to send another expedition to Sweden, to return as the last did, the ridicule of the world? He hoped, however, that if another expedition was sent to Sweden, it would not be a hostile expedition against that country. He thought it absolutely necessary for that house, as representatives of the nation, to inquire into the conduct of the last campaign in Portugal, into the expedition to Sweden, and into the conduct of ministers with respect to Spain.

He could not see why the noble lord wanted more disposable troops, or to what part of the world he could send them, with advantage to the country. He considered that in the present situation of affairs, instead of sending large armies to foreign countries, we ought to shut ourselves up within ourselves, and think of that description of force which would be most useful in the defence of our own country. Such being his view of the true policy of the country, he felt it his duty to express his opinion upon the present occasion; and he could not consent to increase the burdens of the country, for the sake of putting a large disposable force in the hands of his majesty's present ministers.

Mr. Herbert and Mr. Calcraft spoke on the same side.

The chancellor of the exchequer was sorry that the question had gone to so great a length of discussion. He must, however, say, that there would be no backwardness on the part of the noble lord, or his majesty's ministers, in giving the house the fullest account which was in their power upon the subjects which had been mentioned. If it should then be found that the resources of the country had been shamefully wasted, whatever judgement might be passed upon ministers for causing this waste, still that would be no reason why the waste should not be repaired. He should, however, declare that there had been no waste; and he was confident the house would be of the same opinion when these matters should come regularly before them. The gentlemen on the other side would have a very difficult task, if they should endeavour to persuade the house that no effort should have been made by
this

this country to aid Spain. If they meant, however, to allow that something ought to have been done, they would have then to point out to the house in what manner this succour would have been administered under their able hands, if they had been in power. From the specimens, however, which had been given in this way in the debates in the present session, his majesty's ministers felt undismayed at the result of such a discussion. The house had already heard most curious plans of campaigns suggested by some of those gentlemen, and perhaps they would hear some more curious in the next discussion; but he believed they had heard nothing, nor would hear any thing from them which would incline the house or the country to believe that more effectual aid would have been given to Spain, if the administration of the resources of the country were in their hands.

Mr. Elliot was sorry to see that ministers had no other resource, but going to the old hackneyed scheme of robbing the militia to recruit the regular army. He thought those bills went to introduce an indirect and fraudulent system of taxation into the country; and that although government might give tenguineas to the ballotted man, that would go but a small way in getting a substitute.

The question being put, the house divided:

For the motion - - - 77

Against it - - - 26

Majority - - - 51

Leave was accordingly given to bring in the bill, which was presented and read a first time.—Adjourned.

OVERTURES FROM ERFURTH.

Jan. 26. In the house of lords, the

earl of Liverpool rose for the purpose of moving an address of thanks to his majesty, for having communicated the papers on the table relating to the overtures from Erfurth. He was not aware that any objections would be made to the conduct of ministers, in having received the overtures from Russia and France in the manner they did. After the extraordinary occurrences that had taken place in Spain, and the means that were adopted to give effect to them by one of the parties to these overtures, it was evident that little reliance could be placed on any proposals that they might have offered. His majesty's ministers, however, had laid it down as a principle of their government, to meet any fair proposition of the enemy, at any period of the war, with a frank and ready answer. A proposition of that kind was contained in the conclusion of the first communication. It professed a readiness to treat with Great-Britain, and the powers with which she was allied, on the basis of the *uti possidetis*, or any other basis founded on that reciprocity which could alone afford the grounds of an honourable and permanent peace. It was desirable, on the part of his majesty's government, not to involve themselves in a negotiation without a perfect understanding as to the basis on which it was to proceed. They wished, therefore, to ascertain, at the commencement, in what light the Spanish government, to whom his majesty was bound by the most solemn engagements, was to be considered; whether the junta, exercising the monarchical power for Ferdinand VII, was or was not to be a party to the treaty. The relations that had lately taken place between his majesty and the Spanish

FOREIGN HISTORY.

Spanish government were no secret to France and Russia. His majesty demanded to know if Spain would be admitted as a party. What was the answer? Why, none of those that might have been offered, and which might have produced a temporary delusion with respect to the sincerity of those powers. No: the mask was thrown off at once; and the loyal population of Spain, fighting for their legitimate monarchy, the independence of their country, and every thing dear to man, are stigmatized by the odious epithet "the Spanish insurgents;" and all pretensions, either for them or from them, to become a party in the negotiation, scoffed at and ridiculed. Under these circumstances, he could not conceive there could be any difference of opinion respecting the line of policy which his majesty's ministers ought to have pursued. They rejected the proffered negotiation rather than abandon Spain. His lordship concluded with expressing his deep regret that the emperor of Russia could have returned such an answer as he had to the communication from our government, and that he should have so far lent himself to the passions and designs of the person at the head of France, as to compare the efforts of a people who rose upon their ancient and established government, to the struggles of the Spanish nation against the most foul and atrocious usurpation of which history could furnish an example. His lordship then read the address; towards the conclusion of which the warmest approbation was expressed of the conduct of government, in having refused to treat unless Spain should be admitted as a party to the negotiation.

Lord Grenville lamented that the address was couched in such language as to render it impossible for him to concur in it. He had before stated, and he would now state again, that peace was not to be expected under the circumstances in which that overture was made. The possession of Spain was of vital importance to Bonaparte. It was, perhaps, the greatest interest for which he had ever contended. When he made his proposal, he had provided all the means of insuring the complete success of his project. He secretly laughed at the extravagant expectations which the people of this country were taught to entertain of the triumph of the Spanish cause. He knew that two months would put into his power that country which ministers wished to make a subject of negotiation. And was it then to be expected that he would give away, by a stroke of the pen, that which remained to be decided by the force of arms? He did not find fault with ministers for not abandoning the cause of Spain, but for having put themselves in a situation not to be able to negotiate without bringing in Spain as a party. They called upon Bonaparte to surrender that as a preliminary which was the fair object of a negotiation. If they expected that he would make a sacrifice of his pretensions to Spain, had he not a right to expect similar concession on their part, and an offer to sacrifice some great object of British interest to have induced him to relinquish Spain? But what did ministers do? They began at the wrong end. There was no instance in history in which a power was required as a preliminary to abandon a most essential interest. His lordship complained that the nature of
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the engagements by which we were bound to Spain was kept a secret. This was not the way in which the legislature was accustomed to be treated.

Lord Eldon denied that ministers called upon Bonaparte to abandon his pretensions to Spain as a preliminary to negotiation. They made no such demand. They only advised his majesty to ask this question: Will you, as preliminary to negotiation, admit the Spanish government to state their own claims? It was obvious, from the answer of both France and Russia, that whatever peace might be made between them and England, Spain was to be surrendered to the former. However the negotiation might terminate, it was to be wrung from us that a Bonaparte was to be king of Spain. He was persuaded that no sacrifice this country could have offered to make, would have induced him to relinquish his pretensions to Spain; and he therefore thought the wisest, the most just, and magnanimous policy on the part of England, was to put an end to the negotiation as soon as possible.

Viscount Sidmouth agreed with his noble friend, that the overtures from Erfurth could not have by any possibility led to peace. He was happy to find that there was a disposition in the country to make the most vigorous efforts to prosecute the war, through which the only road to a safe and honourable peace lay. He rejoiced to find that there was no sacrifice which the country would not rather make than consent to abandon Spain to the most foul usurpation that ever polluted the pages of history. He lamented that we had not given as strong proofs of our sincerity to make common cause with Spain, by the

magnitude and wisdom of our military cooperation, as we had in refusing to negotiate unless she was admitted as a party. With such means as ministers had in their hands, it was right to inquire why they had not made a better use of them. It was incumbent on them to lay before parliament, and without delay, detailed information of the conduct of the war in Spain; to show how we had stood and did stand with respect to that country.

Lord Mulgrave was not surprised that the noble baron (lord Grenville) who spoke in the debate, did not approve the conduct of ministers. It was not conformable to his cold and cautious policy; but though it did not please the noble lord, he had the satisfaction of knowing that it accorded with the generous and exalted sentiments of the country. He wished that the noble baron, and those who agreed with him, would divide the house on this question, that the country might know who among them were disposed to assist the Spaniards, and who were for leaving them to the most horrid tyranny under which a nation ever groaned. He denied that any secret engagements had been formed with Spain at the time the overture was made. It was an engagement taken in the face of the country. It was an engagement of common interest, of feeling, of every sentiment that could morally or politically interest a people.

Lord Auckland could not help regretting the probable difference of situation, in which the country would have been placed, if his noble friend (lord Grenville) had been minister. We should then, in all probability, have had full access to the Baltic, a peace with America, and her assistance as an ally

ally against France. As to the war in Spain, if the noble lord could "lay" any "flattering unction to his soul" on this reflection, he had not ill-nature enough to attempt to deprive him of it; he should only say again, that if his noble friend had been made minister, the country would not now have had to regret the loss of the finest army England had ever sent abroad. The noble lord did not impute the least blame to ministers for their conduct upon Bonaparte's late pacific overtures; nor did he impute to them the most distant suspicion of a desire not to make peace. He did not think Bonaparte's overtures sincere; for in the very beginning of his speech on the opening his legislature, he says, "Providence has thrown the army of England into my power, and I am going to annihilate it;" and this without waiting for an answer to those overtures. The noble lord was sorry, however, for one thing which had occurred in this negotiation; and this was the recognition of king Ferdinand VII. The noble lord stood close to Charles of Spain when he received his crown, and did not believe he would ever voluntarily resign it.

The earl of Suffolk said, the army in Spain should have followed the military example of Marlborough, and should have secured Barcelona for a post of retreat; without this security, no army should again be ventured into Spain.

The question was then put on the address, which was carried *nem. con.*

January 27. Lord Folkestone moved, that a new writ be issued for the election of a member for Poole, in the room of John Jeffry, esq. who, since his election,

had accepted the office of consul general in the dominions of her most faithful majesty in Europe.

Mr. Rose expressed some doubt whether that honourable member had, by such acceptance, vacated his seat, within the meaning of the place act. He knew of no precedent on record, wherein a member of that house could be construed to have vacated his seat by accepting the office of minister at any foreign court. It was not so deemed in case of an envoy sent to Vienna in the reign of queen Anne, which was the only case within his recollection that bore any analogy to the present. He hoped, however, the noble lord would have no objection to wave his motion for the present, in order that the question might be referred to a committee, to inquire whether or not Mr. Jeffry had vacated his seat by the acceptance of his present office.

The speaker mentioned another precedent of an envoy sent to the Netherlands in the year 1762; and what analogy that case bore to the present would be for the house to judge. He suggested, however, the propriety of adjourning the debate on the subject for the present, until the opinion of a committee should be reported.

Lord Folkestone acceded to the proposition of a committee, which was accordingly appointed, and the debate was adjourned to Monday se'nnight, when, the subject being discussed, his lordship's motion was agreed to.

Sir A. Wellesley having appeared in his place,

The speaker rose and addressed him nearly in the terms following:

"Sir Arthur Wellesley, it was one of the first objects of this house, in directing its attention to the brilliant

brilliant services of the British army in Portugal, and amidst the contending opinions upon other subjects connected therewith, to express its public approbation of those splendid services you have rendered to your country on that important occasion. You have been called upon to command the armies of your country in that expedition; and it was your peculiar good fortune, by your eminent skill and gallant example, to inspire your troops with that confidence and intrepidity which led them to such signal triumphs in those battles, which have so justly obtained for you the thanks and admiration of your country, and rendered your name illustrious to the extremities of the British empire. Your great military talents, thus eminently successful in your country's cause, have justly entitled you to royal favour and to the gratitude of parliament; and it is with the utmost satisfaction that I now repeat to you the thanks of this house. I do therefore, in the name of the parliament of the united kingdom of Great-Britain and Ireland, return you their public thanks for the splendid victories obtained by you over the French army in Portugal, on the 17th and 21st days of August, 1808, so honourable and glorious to the British arms."

Sir Arthur Wellesley returned his thanks to the house for the high honour now conferred on him, and in a peculiar manner to the right honourable gentleman who filled the chair, for the very polite and obliging manner in which he was pleased to repeat to him the sense which the house of commons did him the honour to entertain of his humble exertions for the public service. No man felt more grate-

fully or valued more highly than he did, the approbation of parliament and his country; the officers and soldiers of the British army looked up to that approbation, as the highest honour that could be held out to an excitement to their valour. Conscious as he was of his want of power to express the sense he now felt of the distinguished honour this day conferred upon him, he hoped the house would be pleased to accept his most grateful acknowledgements for their favour.

The next business in the house was Mr. Wardle's motion relating to the commander-in-chief; but as we mean to devote our next chapter exclusively to this subject, we pass it by for the present.

Jan. 31. Sir Samuel Romilly, in the house of commons, moved for and obtained leave to bring in a bill for extending to debtors confined upon the orders of courts of equity, the benefits of the act of the 32d George II. which entitled the debtor to four-pence per day and afterwards to six-pence, to be paid by the creditor.

Mr. Whitbread wished, before the order of the day was read, to ask the noble lord on the opposite bench, whether there was any probability the public would be gratified with the publication of any part of sir John Moore's dispatches. From what fell from the noble lord on a preceding evening, he was taught to expect there would be no objection to publish certain parts of these dispatches. He had looked with great anxiety to Saturday's gazette, and was disappointed to find they did not appear in it.

Lord Castlereagh regretted that it was not possible for him to gratify the honourable member's curiosity. Those dispatches he considered as private and confidential. They were

were marked so on the back of the letter; they were so declared to be in the body of the dispatch. It was distinctly left to the discretion of ministers to publish parts of them as they pleased, or to withhold them altogether. It certainly was the wish both of himself and colleagues to gratify the public and the friends of that gallant officer with extracts from the dispatches; but they found it so difficult to select such parts as it would be prudent and proper to publish, that they were under the necessity of wholly relinquishing the design. After the letter relating to the last event in Spain, there was nothing in sir John Moore's dispatch necessary to be made public in the gazette. Upon mature consideration, he was convinced that it could not, with any propriety, be brought forward as an insulated production. He wished, however, to gratify the friends of that gallant officer as far as possible. The object, he presumed, would be obtained if the dispatch should become public in any way. He had no objection that it should be produced as part of the correspondence necessary for the discussion of the conduct of the war in Spain, though he must still adhere to his objection of publishing it in the gazette.

The order of the day for taking into consideration the papers relating to the late overture from France and Russia having been read,

Mr. secretary Canning observed, that in proposing to the house to address to his majesty the expression of their thanks for his gracious communication of the papers on the table, their acknowledgement of the principles upon which ministers acted in the negotiation, and their resolution to support his majesty in the continuance of a war

which it was found impossible to conclude upon any terms of honour and safety, he did not anticipate much difference of opinion. The question of the day he apprehended would rather be on the conduct of government, than the principles on which that conduct was founded. There was no man, he believed, who would be found to contend that the overture from the enemy contained the means of negotiating with a fair chance of peace. If it should be shown that in the management of the negotiation any fair opportunity was omitted to bring to a point the intentions of the enemy, or that occasion was eagerly sought and wantonly seized to put an end to it, such conduct, he would admit, would be a fair ground for criticism, if not of blame.

In what he should say, he would confine himself to the conduct of the negotiation, rather than to the discussion of principles, of which there appeared but one impression on the house.

The demand made by the British government with respect to Spain, was one of the most moderate which could possibly under such circumstances have been required: the most moderate, but at the same time the most efficacious—merely that she should be a party, that she should have leave, by her own personal representatives, to plead her own cause. What less could have been demanded? and yet he had heard it to be the opinion of many that this was an improper concession. Many, on the other hand, declared any entertainment of the proposal at all, which must have been insidious, was a mere waste of words, and that it should have been immediately rejected; but it was plain the Erfurth interview must have had

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some relation to Spain; and an offer which might possibly lead to an amicable issue, he did not conceive could wisely have been rejected. Indeed he, for one, had cherished what might appear to many as visionary hopes. He had fondly imagined the effect which example might have had on the emperor of Russia—the invariable return made for kindness by the French tyrant—his constant breach of treaties, desertion of allies, degradation of sovereigns, subversion of every moral principle, and avowed hostility to every practical virtue—his defiance of established usage, sterility of grateful sentiment—his very baseness to Spain—the ever firm, dear, faithful, subservient, unsuspecting Spain, his powerful aid in the subjugation of Europe, and now his prey when that aid was unnecessary. He confessed that his wonder at the apathy of the emperor Alexander, calculating his comparatively poor assistance, was utterly inexpressible! What could be his expectation? Did he suppose the tyrant would invert his established usage, and exert towards him a forbearance which he denied to more beneficial supporters? The opportunity was however now past, and no doubt many, calculating from the event, would entitle him chimerical; but disappointed as he had been, he did not scruple to declare, that was it again to occur, the same line of conduct, derived from the plainest principles of human nature, would be by him again pursued. In the present circumstances, however, it was impossible that the name of Spain could have been omitted. We had proffered her our assistance. She filled a great space in the eye of Europe, and we were ostensibly connected with her, in the view of

the world. But still they argued unwisely, who said that the mention of Spain was a necessary bar to future negotiation. The admission of Spain to an interference by no means committed France to a recognition of her rights, but merely to a discussion of them. What, however, was the answer of France to this equitable proposal? Why, peremptorily refusing the participation of the Spanish people, *because they were rebels!* To whom?—Joseph Bonaparte: thereby, while he scouts our proposal of the admission of the *de facto* government, tacitly demanding our recognition of his atrocious usurpation. To *this* had we not given our decided negative, we should have at one dash of our pen signed the ruin and degradation of the Spanish people—their proscription as rebels, and their punishment as traitors; but he had chosen to go still further, and even illustrate this position by comparing the patriots of Spain to the Irish rebels. It was an illustration which he only mentioned to reprobate; but even admitting that the Irish catholics were rebels, which he was far from doing, yet where was the parallel? The Irish rebelled against a lawful sovereign, complete in his right, and perfect in his possession. We of course, did we negotiate after his answer, should concede the indisputable inheritance of his brother; consign the confiding Spaniards to slavery, and consent to the establishment of an usurping dynasty. But the insincerity of Bonaparte was plain in the progress of his communications; for even before he could have received our first answer to his first communication, he announced to his senate his determination to pursue those views which it was our evident policy and

and declared design to prevent. On the 22d of the month we received his letter; and on the 25th he made his mind known to the senate. It was, however, stated broadly by some, that we should have known well the inflexibility of the enemy, and the "*sinking state* of ourselves." "Now, sir," said Mr. C. "as I have heard that those in a ship cannot perceive her motion, so perhaps those in a *sinking country* cannot be sensible of their progressive degradation. But I will venture to say, such opinion is but the visionary chimæra of a mind brooding in the silence of solitude, and which, when promulgated in society, is uncheered by one friendly voice—uncherished by one discontented spirit. But if it be true—if we are to perish, I do trust that when stripping to struggle with the adverse waves, we shall not cast away those qualities which ennoble and dignify our nature; that even in the agonies of death we shall cling to our national integrity." It was, he said, utterly impossible that we could ever have abandoned Spain, however opposite our opinions might be as to the conduct of the campaign. Never can a free people admit the claim of an usurper, and, in so doing, consign their allies to a foreign dynasty and immediate execution. In these enlightened times, however, it is strange what a predisposition there is in the minds of some refiners of foreign aggression, as if there was something unpalatable in the internal structure of their own domestic constitution: but surely this unnatural idea is confined to a few; there is a charm which binds us to our accustomed institutions—an unreasoning and instinctive feeling, connected with the soil of our birth, and the scenes of our infancy,

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which the shocks of war cannot overcome, the fury of innovation extinguish, and which will even triumph 'mid the despair of conquest.

"Græcia capta ferum victorem cepit!"

This was the ardour which inflamed Spain; and although she may be less refined than we in her exertions or objects, still, when we consider the principle, our praise cannot be less: but these were abstract considerations, which, however connected with it, he would wish to separate from the main question; he would wish the house to come unbiassed and dispassionate to the consideration of the overtures, and the treatment they experienced, and he had little concern as to the result of the investigation. Mr. Canning concluded a most brilliant speech, by moving that an address of thanks should be presented to his majesty, for his gracious communication of the papers on the table.

Mr. Whitbread, while he acknowledged the eloquence of the right honourable gentleman, was happy also to give him his thanks for some axioms not very usual to hear from that side of the house—axioms which, had they been always attended to, would have prevented us from now deploring the balance of Europe upset, the house of Bourbon overthrown, and our own national decay. He had heard that a government representing the people ought to be attended to: that surely must have been imbibed with the honourable secretary's *new morality* principles; for he well remembered a time when such an assertion was by him reprobated and ridiculed, and the rejection of which hurried England into a war, which has left her to be the scorn instead

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of the arbitress of Europe! He could not, however, agree that we ought not to treat after Bonaparte's answer, because he considered that answer provoked by the taunts and sneers of the honourable gentleman, and by the arrogance of the government to which he belonged. Governments were too apt to attribute to themselves every virtue, and to their adversaries every vice. It was somewhat extraordinary, however, that the honourable gentleman, after having himself discarded the *old morality*, should presume to say that the French emperor's atrocity was unparalleled! What! was this a justifiable assertion from the author of the atrocious, unprincipled, and dastardly attack upon Denmark? [*Hear! hear!*] It really carried an air of ridicule along with it, to Bonaparte not less, however, than did another assertion carry of insult to the emperor of Russia. What must *he* have thought when the denunciations were perused by him against the violator of the Spanish throne—*he*, who must have remembered well how Catherine, *called* the great, and Frederick *called* the great, and the emperor of Austria, dismembered Poland, and dethroned the king? Why should we talk of atrocity? Why should *we* blasphemously call on our God—*we*, the ravagers of India—*we*, who in the very last session voted the solemn thanks of the house to the despoiler of that unhappy persecuted country. Oh! "*When we say that we have no sin, we deceive ourselves, and the truth is not in us.*" Far was he from justifying such vaunts and such reproaches, and ill would he perform his duty to his country, did he not rise to open the eyes of these infatuated people, and show them

the comparative insignificance of England among the nations.

If he were then to be asked whether he wished to truckle to France, and surrender the honour of the country, he should reply that no man would be further from entertaining such an idea than himself. If we wished, however, to preserve the honour of the country, we must abstain from doing deeds of dishonour. After what we have ourselves done in the East and in the North, we had no right to say the conduct of Bonaparte was atrocious beyond all parallel. There have been many instances of atrocities full as bad. Spain had in former times committed great atrocities in the Western world; and we had not only committed great atrocities in the East, but even in very recent times we had committed an atrocity towards Spain herself, equal to almost any thing which had been done by Bonaparte. He could not help finding great fault with the declaration published by the right honourable gentleman, for stating to the world a thing that was not the fact. It was not true that Bonaparte required of us, in his first communication, the abandonment of Spain as a preliminary. This was stated by him after he had received the communication from our government. The first communication which came from the enemy was, in his opinion, perfectly unexceptionable in its manner and style.

Here the honourable gentleman entered at large into the several parts of Mr. Canning's answer, and said that in his opinion, the mode in which the negotiation ought to have been managed on the part of this country was, that the independence of Spain should have been the first condition of a peace,

peace, but that it should not have been insisted on as a preliminary. Bonaparte did not propose the abandonment of Spain as a preliminary; it was the right hon. gentleman, who made the admission of the Spanish nation as parties, a preliminary to all negotiation. It was not till after his first communication had been answered in an insulting tone that he used insulting expressions. He thought it was always wrong to use insulting language towards Bonaparte; for after all, if ever we wished for peace at all, it was probably with this man that we must make it, and the price of peace would be at least for us to use something like decorous language to a power, which is perhaps the greatest which exists, or which ever did exist, on the face of the world. As to pledging ourselves to any point as a *sine quâ non*, he could not avoid remembering how many of those *sine quâ non*s the British government had been obliged to abandon since the first commencement of the war. He could not conceive that peace was so dangerous as some gentlemen supposed. Bonaparte had got almost the whole of Europe by war, and he did not see how he could have done more, or so much, in peace. The right honourable gentleman, in the declaration of his majesty, stated the situation of different powers in Europe, but he appeared to forget how very small a part of Europe this country had any influence over.

As to our repugnance to making peace with France, he must say "to that complexion we must come at last." Sooner or later we must treat with France, and greater and greater sacrifices are demanded from us the longer it was delayed.

For his part, he feared that the Spanish spirit had been calculated too highly; but whatever it once was, if it should appear that it was now subdued or extinct, and that the cause of Spain was hopeless, he should be sorry to pledge himself to make a *sine quâ non* of the independence of Spain. He could not avoid availing himself of this opportunity to speak his opinion upon this important point, for events now follow with such rapidity, that if he was to lose the present opportunity, it was possible that he might not find another. As to the recapture of Madrid, that bubble was now burst. Barcelona had been relieved. The prophecies of Bonaparte had been in a great measure realized. The British armies had been expelled from Spain, and there appeared nothing to prevent his executing the threat of placing his eagles on the forts of Lisbon. If there was no probability of reviving the spirit of Spain, he could not consent to send more British armies or treasure to Spain, without any probable chance of success. He concluded by moving a long amendment, which he hoped at least would be recorded on the journals of the house. The substance of the amendment was,

"That the house did not see in the letter addressed to his majesty, that any disgraceful concession was demanded; and that requiring as a preliminary article, the acknowledgement of the Spanish nation as parties in the treaty, was unwise and unnecessary; and that the language of the note addressed to foreign powers should be in a more conciliatory tone." It concluded by humbly requesting his majesty to avail himself of the first fair opportunity of concluding peace.

Mr. Ponsonby said that it was

impossible, from the great respect he bore his hon. friend, that he could differ from him, as he did on the present occasion, without assigning his reasons for so doing. Although he seldom approved of the conduct of his majesty's ministers; yet he thought they were right upon this occasion to come to an immediate understanding of the views of those powers which proposed peace. He was convinced, that no tone, however moderate, could have procured the country a peace consistent with its honour; but still, he disapproved extremely of using that style in diplomatic correspondence, which seemed much more like the language that was often used in that house, against political adversaries, than like the calm and dignified language which became a great nation negotiating about the restoration of peace to the world. The question in Spain was not to be decided by negotiation, but merely by the force of arms, for Bonaparte had pledged himself as strongly to his own senate, and to France, that he would place the crown of Spain on the head of his brother, as this country could be pledged to assist Spain. He could not be expected immediately to abandon the pledge he had so openly and so recently given, neither could this country abandon Spain, without at the same time abandoning her honour and her best interests.

Sir F. Burdett said, he had never yet delivered his sentiments on this subject; and as he had not formed the sanguine hopes on the state of our connexion with Spain, which he understood many persons had done, he could not suffer the present question to go to a vote, without delivering his opinion on it. For his own part, from the first mention of the application of the Spaniards to

this country for assistance, he could never place any reliance on Spanish patriotism. He could not think it was a plant that could ever thrive in such a soil as Spain, which had for such a length of time groaned under the weight and grasp of the severest despotism, headed by that most dreadful and intolerable of all monsters—that disgrace to humanity, and terror of mankind—the Inquisition. He never could for a moment suppose, that a people so sunk in indolence as the great mass of the Spanish nation had been, and bowed down by the arbitrary mandates of one of the most despotic governments in Europe for more than a century, could all at once become so sensible of the ardour of patriotism as to enable them to make a stand against the French, headed by one of the ablest and greatest generals the world had ever known. He could not, therefore, ever indulge the hope of reaching that fool's paradise, with the attainment of which the people of this country had for the last fifteen years been pleased to flatter themselves. He was sorry to observe this self-delusion continued still so prevalent; but he hoped yet, that we were not such as the wise man had described, “that if pounded in a mortar, yet would not foolishness depart from us.” Ministers had from time to time held out various boasts that we were on the point of arriving at the goal of success, but they had all vanished into air. If the question were, whether it would not be desirable to cut off Spain from France as a political measure, no question could be held out that would be more easily or more unanimously decided: but the unfortunate despotism which had so long prevailed in Spain made this impossible; and the people of that country felt too severely

severely its effects to be animated with that kind of spirit, without which such an attempt must be preposterous. The right honourable gentleman (Mr. Canning) had, to serve his own purpose that night, used the patriotic axiom, "that no people ought to have a government forced on them but what they chose for themselves." If this had been attended to by ministers at the commencement of the French revolution, we should not have been at war at this moment. He wished, however, if ministers did not think proper to take hints from Bonaparte, that they would endeavour to derive advantage from his magnanimity. He understood there were bulletins newly arrived from France, and in possession of ministers, in which Bonaparte had evinced a great degree of respect and admiration of the behaviour and conduct of our brave troops, and particularly of the gallant general who had so recently fallen, and whose loss we had so heavily to deplore. He was, however, much afraid that the present ministers were such as were by no means fitted to bring the country with honour out of its present difficulties. He thought they had taken upon them a most extensive and tremendous responsibility. If the presumed patriotism of the Spaniards had been listened to, taken up, and acted on upon light grounds, he did not know any punishment that could be too severe for them. It was their duty to consider well whether they should be able to take possession of Spain; to send 300,000 men thither to gain possession of the country, and to fortify the passes. If our brave soldiers had been sent even in such numbers as to enable them to have gloriously fallen in the field, and not the victims of

disease and misery, it would have been some small matter of consolation, though perhaps not of excuse; but to send an army in such numbers, and under such circumstances, that with the assistance of the Spaniards they could not drive the French from Spain, when they did not amount to more than 40,000 men; the present ministers were neither fit to go on with the management of the affairs of the country in war or peace. They had grafted the success, the character and the honour of England on that rotten plank, despotism and the inquisition; and unless we could again establish that government in Spain, our efforts were fruitless, and we must give it up. With respect to sending money to the Spaniards, instead of doing so from the pockets of the people of this country, they should have restored those millions which had been taken as droits of the admiralty, by the shameful capture of the Spanish frigates, without any declaration of war, and by that means put into his majesty's private purse.

He felt himself obliged to his honourable friend for having moved the amendment to the address, but he should have been more pleased, if, instead of that amendment, he had at once boldly brought forward a remonstrance to his majesty, stating the inadequacy of the present ministers to fill the important stations in which they had been placed, and he would have seconded it with infinitely more satisfaction. He was now called on for an address of thanks, when he had no thanks to give. He should rather wish to see those removed from his majesty's councils who had kept the truth from his royal ears, and filled them with fables which had operated as a "leprous distilment" on

the honour and interests of the empire. Of all those dethroned monarchs with whose fate modern history was so replete, there was not one of them who had not fallen a sacrifice to a concealment of the truth from them respecting their most important and vital interests. They have all been betrayed, and frequently deserted, by time-serving courtiers and adulating sycophants, and happy would it be if their fate should be a warning to others. The right honourable secretary (Mr. Canning) had said, he did not think this empire was sinking. The right honourable gentleman might, perhaps, himself be rising, but he could assure him his country was sinking very fast and very deep; yet, strange it was to behold, but things were represented totally different to what they really are; and we now, without surprise, hear the mere entrance into a country termed conquest, and retreat represented as victory. With these impressions on his mind, he heartily concurred in the amendment proposed by his honourable friend; but would much rather it had been a remonstrance. Other members spoke, when Mr. Canning's address was carried.

Feb. 2. The chancellor of the exchequer, agreeably to his notice, rose to move for a committee to inquire into the expediency of further suspending the distillery from grain, in favour of that from sugar. He held it expedient thus early to bring forward his motion, as the bill in existence would expire in forty days from the commencement of this session; and as it was not improbable there might be some difference of opinion on a measure involving so many different interests, he wished to bring it forward in time, to allow opportunity for ample discussion.

It was necessary, at the same time, to apprise the house, that he contemplated a material alteration in the bill he proposed to introduce from that of the last year, founded upon the experience of its operation. It was found for instance, in England and Scotland, that the sugar distillery went on well, and had the cooperation and approval of the persons concerned in the home distillery; and had besides the good effect of keeping corn at a moderate price, by abstaining from the consumption of that article. In Ireland, however, the case was quite different. There the sugar distillery had scarcely any success; and while the fair trader was precluded from the use of corn, the consumption was greater than ever, by means of the clandestine and illicit stills, to the great injury of the fair distiller and of the revenue. At the same time, it was found that such was the produce of the present corn harvest in Ireland, and in an especial degree so abundant beyond all former example was that crop more immediately important to the sustenance of the lower orders of the people, potatoes, that no ill consequence whatever was felt in the price of provisions. It was his purpose, therefore, to revive the prohibition of the corn distillery in Great-Britain, but to leave it free in Ireland, but at the same time it would be absolutely necessary to accompany this measure with a prohibition of the conveyance of spirits between Ireland and Great-Britain. It was true the articles of the union provided for a free intercourse of all commercial articles between the two countries, the produce of each, upon terms of equality; but it was found that the drawbacks upon spirits between both were founded
on

on erroneous principles. The rate of drawback chargeable on the Irish distiller was settled by the union; but yet he was enabled to undersell the English distiller in his own market, an advantage ruinous to the latter: while, on the contrary, the Scotch distiller was, under the same system, enabled to export his goods to Ireland, on terms expressly injurious to the Irish distiller. It was, therefore, another object of his intention to prohibit the exportation of spirits from Scotland to Ireland.

These were the outlines of his plan, and he did not mean to press it against any general sentiments of the house, but in all events, not without allowing opportunity for the fullest discussion of the gentlemen of both countries. He concluded by moving the committee, into which the house resolved, and after a short deliberation determined that such a bill was expedient.

Lord Castlereagh rose to move the order of the day, for the second reading of the militia enlistment bill: but as this bill differed nothing in principle from the bill of last year, and as he had so recently given his opinion at length upon its various details, he should abstain from troubling the house in this stage by repeating those opinions, but reserve himself for any objections that might be offered to it.

Mr. Elliot wished to know the rate of bounties proposed by his noble friend.

Lord Castlereagh answered, from six guineas to eleven.

Mr. Elliot expressed his great reluctance in opposing any bill having for its object to place the public force of the country on that respectable footing on which it ought to stand. His objection, however,

was to the system on which the bill was founded. He should not detain the house by going minutely into all its details, but should confine himself to its general heads. It afforded a striking lesson to the house and to the country, on the evil consequences of adopting a bad precedent. Heretofore, previously to the introduction of a similar bill, there was much of detail and preparatory communication with colonels of regiments. But the former measure of his noble friend being adopted, he relied that in this too he should be successful. His majesty's speech, at the opening of the session, certainly recommended to parliament every attention to an increase of the disposable army of the country, without impairing the means of home defence; but he thought it was impossible to attempt the former by means of this bill, without materially injuring the latter. He did not condemn the colonels of regiments for their anxiety to adopt the readiest means for filling up the ranks of their corps; but he did most decidedly condemn the principles of a bill, the operation of which would inevitably tend to the dissolution of all discipline both in the regular army and militia, as well as to the injury of morality throughout the country; for such would be the effect of high bounties given to the recruits from the militia to the line, and to the substitutes who were to fill their places in the militia ranks: the necessary consequences of which, as experience had shown, would be intoxication and riot: such effects could not fail to produce disgust in both army and militia, and to exclude from both, as it had already done, officers of that class and description which should characterize the service. He recollect-

ed the former plan proposed by Mr. Pitt, of which that minister was so fond, that it was deemed by his friends an infallible specific to increase the army of the country, a kind of talisman, which if any man touched, the enchantment was to be dissolved. But no sooner had his noble friend come into power than he totally departed from that plan, and resorted to the supplementary militia, from which all the mischiefs of increased bounties took their rise. By the present bill, the militia officers were required to recruit with a bounty of ten guineas, for which it was obvious that under the increased system of bounties men could not be had. But then his noble friend had an expedient to let out, a little ballot, in case the bounty should fail, to be inflicted on the county where the quota of men could not be induced to enlist within a given period; and then as a remedy to the balloted man, who could not find a substitute at half price, the ten guineas were to be given in aid. But this ballot coming on the heels of that for the local militia, could not fail to create general discontent, inasmuch as it was not a regular tax, but must weigh oppressively upon individuals. The honourable member next compared the effects of this plan with those of the plan proposed by a right honourable friend of his, not now in his place (Mr. Windham), and which proposed to recruit men for limited service instead of life; a plan, the principle of which was founded on the feelings of human nature. He was ready to admit, that for the first four or five months it was in operation, the preference for unlimited service preponderated. But in the remaining seventeen, out of the 19,072 raised, 14,301 enlisted for limited service. In the last,

the number of men transferred from the militia to the line in England was 19,152, and of these between 16 and 17,000 were for limited service.

Colonel Wood contended that the recruiting of the regiments of the line from the militia ranks, was the most prompt and efficacious mode of rendering the former what they ought to be, and of rendering the physical strength of the country formidable and victorious over the enemy. The recent victories in Portugal and Corunna were achieved by the men recruited from the militia ranks, and it was by transferring those men to the line, that they could acquire that military perfection which was not attainable in the home service. The honourable member had said that by this practice that class and description of officers which should characterize the militia service, would be disgusted from entering it; but he would say it was impossible to obtain this desirable class of officers for the militia, unless an encouragement was held out to subalterns in the service, by offering them commissions for volunteering into the line. Under the present system they were debarred of those hopes of promotion, which was the best incentive to good conduct, military ardour, and the acquirement of military skill. But if they felt the advantage of being transferred, with their rank and their men, to that branch of the service where they might look forward to the chance of being one day generals, the advantages to the army would be incalculable; for many young men, the sons of clergymen, and other gentlemen of moderate fortunes, obtained commissions in the militia, but were unable to purchase into the line, and never could rise beyond

yond a subaltern rank. But if such an encouragement were held out, and a preference given to militia subalterns on recommendation to commissions in the line, the militia service would never want officers.

Lord Castlereagh said, that ministers had always two objects in view, in the measures which they proposed for augmenting the army. The first was to increase the disposable force; and the second was, to take care that the defensive force should be so strong as that the country should not be exposed to peril and danger from the manly exertions which his majesty's government might feel it their duty to recommend for the assistance of other nations. Whatever was the present appearance of the probability of success to the cause of Spain, yet as the principle was agreed to on all sides of the house, it followed that whether any or what portion of our army was to be sent to the assistance of Spain was a pure military question, which was only to be determined by the executive power. If ministers should afterwards appear to have given improper advice, or to have mismanaged the military means of the country, they were subject to a heavy responsibility; but he could not think the gentlemen on the other side would really wish to tie up the hands of the executive, and deprive it of all means of acting as circumstances might render necessary, merely from the fear that it might be advised to act wrong, or to make an imprudent use of its strength. He could not believe that the gentlemen on the other side could suppose that they saw their way so clearly in respect of the war in Spain, as to say that circumstances might not occur which would make it the bounden duty of this country to give the

most powerful assistance to the Spanish patriots. It was his firm opinion, that while the people of Spain were true to themselves and to their own cause, it was not only the interest of this country, but the pledged duty of parliament, to support them. He did not mean to say, that we were now to embark in wild military speculations that had no chance of succeeding; but it was still his opinion, that if the Spanish people continued to display that energy which they had shown not many months ago, the struggle in that country was by no means at an end. But supposing that struggle to be now completely at an end, did not other views open to the mind of the honourable gentleman, and show the necessity of still increasing our armies? Were we to suppose that no occasion could ever occur in which they might be wanted on foreign service, or that the exertions of mankind were for ever to be tied down by the tyranny and usurpation of one individual? [*Loud cries of Hear! hear!*] If no field of action presented itself in Europe, British interests might call them for the defence of another part of the world [he appeared to allude to South America]; while, at the same time, we must keep an invincible army on our own shores to protect them from danger and from insult. He hoped that these considerations would be considered as sufficient arguments for the general principle of increasing the disposable force.

He should next advert to a former topic, namely, the comparative merit of the plan of a right honourable gentleman (Mr. Windham) and the experiment which he had thought proper to make, of allowing men (if they pleased) to enlist

enlist for unlimited service. He was perfectly convinced that there was no other rational ground for the system of the right honourable gentleman, than it was likely to produce more men; for it never could be said, that it was likely to improve the discipline of the army. He was so far from rejecting the system altogether, that he by no means wished to exclude men from entering for limited service, being convinced that there were many men who would prefer this mode of enlistment; but as he was equally convinced that there were many others who would prefer the enlisting for unlimited service, he thought it but fair they should be allowed their option. He wished to carry along with the more perishable materials of an army, as much as he could get of permanent. The fact about the number of recruits was, that, whatever was the system, the country regularly produced about 1200 men a month. How the number came to be so exact, he could not say. Recruiting serjeants might often put grave legislators to the blush, and there was a certain recruiting law which that house did not understand, and which perhaps got the men better than acts of parliament. Even in the halcyon days of high bounty, and no ballot, it was not found that the number of recruits exceeded the regular number by 100 men, nor under any other system did they fall short to that amount.

It had been mentioned, that large armies were dangerous to civil liberty. Gracious God! could any rational man now suppose, that the liberties of this country were in any danger from any regular army that it was judged proper to raise, balanced as that army must be by an immense force of militia, local

militia, and other armed descriptions of force; and, still more, balanced by those constitutional feelings which animated no description of his majesty's subjects more strongly than it did our gallant armies, which had so often and so recently acquired immortal honour for themselves and their country! He trusted the house would not be discouraged by the present aspect of affairs, but that they would see the necessity of increasing rapidly our disposable force.

Sir Thomas Turton, Mr. Calcraft, lord Temple, and other gentlemen spoke on the subject; when the bill was read a second time.

House of Commons, Feb. 3. Mr. Ward in committee of supply moved that 130,000 seamen should be voted for the year 1809, including 31,400 royal marines; which were voted accordingly. He then stated, that the estimates for this number of seamen and marines were precisely the same in amount with the estimates of last year, though it had been thought desirable to make some alterations in the comparative amount of some of the branches. The allowance for wear and tear was last year taken at three pounds per man, whilst the provision for victuals was estimated at 1*l.* 19*s.* only per man per month. The latter estimate had been found to fall greatly short of the actual expenditure, whilst the wear and tear fell considerably below the actual estimate. The committee would therefore be aware of the propriety of endeavouring to reduce both to an amount that should be nearest the truth, and this he proposed to accomplish by taking a guinea from the allowance of wear and tear, and adding to the allowance for victuals.

The following sums were then moved

moved by Mr. Ward, and voted by the committee.

For wages for 130,000
seamen and marines for
thirteen months, at
1*l*. 7*s*. per man per
month - - - - £3,126,00

For wear and tear of
ships for ditto during
the same period, at
1*l*. 19*s*. per man per
month - - - - 3,295,500

For victuals for ditto du-
ring the same period, at
2*l*. 19*s*. per man per
month - - - - 4,985,500

Mr. Ward then observed, that the house would learn with satisfaction, that the number of seamen now serving in the navy covered entirely, if it did not exceed, the number which the committee had just voted.

On the question that a sum of 551,500*l*. should be voted for ordnance for the number of men voted,

Sir Charles Pole could not suffer this subject to pass on, without expressing a hope, that his majesty's ministers entertained a disposition to regulate the course of proceeding at doctors' commons. It was his opinion, that the officers of king's advocate and king's proctor ought to be divided. He did not mean to object to the vote of any sum for the navy; but he must add, that he should like to see those who were to manage the expenditure of it, such as ten commissioners of the navy and of victualling, selected from amongst naval men. The practice, as well as the whole system of selecting officers of the army for such offices, he deemed altogether improper, as the appointment of persons not acquainted with naval affairs, to such situa-

tions, could not but be most mischievous. In the estimates then under consideration, he lamented that he did not see any provision made for the protection and support of the orphans of marine officers, and hoped that before the end of the session, some establishment, corresponding to the compassionate fund for the army, should be instituted for the navy. This he looked upon as a proper time for mentioning the subject; and if it should not be taken up by his majesty's ministers, in whose hands it most properly ought to be left, he should feel it to be his duty to submit the matter to the house in the course of the session.

The sum was then voted; after which, on the motion of Mr. Huskisson, two several sums of 10,500,000*l*. and 1,500,000*l*. were voted to be raised by exchequer bills, to pay off similar sums of exchequer bills issued last session, and now outstanding and unprovided for.

Feb. 6. In consequence of the vote of thanks passed by the house to the officers of the British army who served in Portugal,

Upon the appearance in his place of general Ferguson, the speaker rose and addressed him to the effect following:

“Lieutenant-general Ferguson, Amongst the many high privileges enjoyed under our free constitution, it is the privilege of those officers who serve their country in the field, that they may also aid in her councils; and it always affords this house high satisfaction, to see any of those gallant officers, who are its members, after having acquired laurels in the public service, and reflected new lustre on the British name, return amongst us with increased reputation. The country, in looking to

to those who direct the operations of her fleets and armies, requires not only that they should possess consummate military skill, but high personal courage, and an honourable ambition to imitate the deeds of their ancestors. These, sir, you have evinced in a degree highly eminent. Your intrepid conduct in the battle of Vimiera, and the distinguished judgement and valour displayed by you on that occasion, have entitled you to the thanks of this house, not only as an intimation of its gratitude for the past, but as a mark and note of its expectation for your further services to your country. I do, therefore, in the name of the Commons of the united kingdom, return you thanks for your skilful and gallant exertions which so eminently contributed to the success of his majesty's arms in Portugal."

To which general Ferguson answered:

"I beg leave, sir, to return my sincere thanks for the high honour this house has been pleased to confer upon me. The soldier's highest reward is the approbation of his country. I am well aware, sir, that I owe not the honour conferred this day to any merit of my own, but to the valour of such officers and men as I had the honour and good fortune to have placed under my command, and to the eminent skill and distinguished bravery of the general under whose direction I had the honour to serve. To you, sir, I beg leave to express particular thanks for the very handsome and too flattering manner in which you have been pleased to convey to me the sense of this house."

Ordered, that the speaker's address, and general Ferguson's answer, be entered upon the journals.

Mr. Whitbread, in submitting the motion of which he had given notice, should have occasion to trouble the house but shortly, in order to obtain its approbation of the proposition he had made. During the late campaign a most extraordinary circumstance had taken place, both here and in Ireland, to which he wished to call the attention of the house. The chief secretary for Ireland, and the under secretary of state, both gallant and distinguished officers, had been employed in the military service of their country, and suffered still to retain the civil employments they before held, though it was impossible for them to perform any of the duties annexed to them. He admitted, that in either capacity the country could not be better served; but contended that no office should be held by any person whose absence made it impossible for him to execute its duties. When the war department required every exertion of every public officer, it could not be maintained that the under secretary of state for that department, and the chief secretary for Ireland, could be absent from their offices without material injury to the public service. He had asked a question of the noble lord (Castlereagh) opposite, before his gallant relation had returned, and whilst the other gallant officer was attending the duties of his office in Ireland. The answer respecting the former was most satisfactory; but though it was not his intention to say a word upon that subject in this instance, he must be allowed to say that he thought the noble lord ought to have filled up the appointment during the absence of his relation. The answer respecting the other gallant officer

officer was not equally satisfactory. He allowed that no person possessed in a more eminent degree every qualification for the distinguished command to which he had been appointed, and was equally ready to give him the greatest credit for the manner in which he executed, and the attention which he paid to, the duties of his office of chief secretary for Ireland. But, though he was convinced that no person was better qualified for either situation than that gallant officer, he could never admit, that whilst fighting the battles of his country in Portugal, he was a fit person to retain the office of chief secretary for Ireland. He was sure that gallant officer was too much alive to true glory, to wish that any injurious precedent should be established by any circumstance connected with his individual interests. He might appeal to the chair respecting the duties and emoluments of the office of chief secretary, as that office had been held by the distinguished person in the chair, whose mind had ever been more fixed on the duties than the emoluments of the office. It was to him that the public was indebted for having the duties defined and the emoluments brought forward to public inspection. Though the emoluments were considerable, he did not mean to say that they were greater than the situation merited; but he must insist that if no duties were performed, the public ought not to be called upon to pay. As to the stipulation of the gallant officer, when appointed to the office, that he should not be required to continue secretary if he should be appointed to any active military command, he could easily give him credit for the feeling

which gave preference to military glory. When he had been appointed to his late command, it never could have been expected that it would have been so short as it afterwards turned out; and when the gallant officer had accepted of the command, he should have resigned his civil office, and insisted on a successor being appointed. But as on his return the emoluments of the office would have ceased, if a successor had been appointed, why, he would ask, should they not have ceased as he had not performed the duties? The gallant officer had said that he was not richer from his salary. That he believed, as he did not suppose that any person accepted an office with a view to pecuniary emolument, but rather as an object of honourable ambition. He should not take up more of the time of the house; and if he had been allowed to make a few observations on a former night, he should not have made any motion at all. The resolution he had to submit, he trusted, would be placed on the journals, and become the means of preventing any person hereafter, whatever his abilities might be, from occupying two incompatible places. The honourable gentleman concluded by moving a resolution, "that the office of chief secretary of Ireland is an office of high responsibility, and ought not to be held by any person absent from the realm, and that the emolument of it ought not to be paid to any person unable to perform the duties."

On the question being put,

Sir Arthur Wellesley said, that when he was first appointed to the office which he now had the honour to fill, it had been clearly understood by the noble lord at the head

head of the Irish government, by his noble and honourable friends near him; and by the illustrious persons at the head of the army, that his appointment should not preclude him from accepting any military employment in the service of his country. Under these circumstances, when the expedition to Zealand took place, he was employed in it, and also on the expedition to Portugal; and on both occasions it had been clearly understood that he had relinquished all claim to the civil office, if a successor should be appointed. He had retained the office solely at the desire of the lord lieutenant, who thought that he could assist him effectually, as he had already done, by the regulations which he had suggested. The resolution of the honourable member went to declare, that a certain efficient government should at all times exist in Ireland. He was not disposed to dispute the truth of the abstract proposition; but he would ask the house to pause before it voted such a proposition, and to inquire whether any inconvenience had resulted from his absence, and whether in consequence there had not been an efficient government in Ireland. He would ask the honourable gentleman whether any public business had been delayed even twenty-four hours, or whether all the affairs of the government had not gone on without interruption? Had not the regulations which he had arranged with his grace the duke of Richmond, for the various departments of the state, been carried into effect, and the public service been thereby promoted without intermission? Under these circumstances, he would ask the house to pause before it should vote this abstract proposition, par-

ticularly as no inconvenience had resulted from his absence. As to the salary of chief secretary, he allowed it to be large, more even than the salary of a secretary of state. But then the Irish secretary had not the same run for situation, character, and consideration as a secretary of state, and consequently the salary was given to him not so much for performing the duties, as to enable him to maintain the situation and the character that belonged to it. When he had proceeded to Portugal, the lord lieutenant was desirous that he should retain the office of secretary, at the same time declaring that, if he did not return within a certain time, a successor should be appointed. It was at that time uncertain whether he should ever return; but when he did return, as no successor had been appointed, he certainly considered himself entitled to the emoluments of the office. The honourable gentleman had said, that if on returning he found another had been appointed, he would not have received the emoluments, and inferred from that, that as he had not performed the duties, he should not receive the salary. Unquestionably, if another had been appointed, he should not have received the salary; but then he would not have the establishment to maintain; and as, whether absent or present, the expense of that establishment was defrayed by him, he had taken the salary. He could assure the house, however, that he should in no future instance consent to hold his office in the event of his being appointed to a military command.

[Sir Arthur Wellesley then bowed to the chair and withdrew.]

The chancellor of the exchequer rose, rather for the purpose of moving

ing the previous question, than to confirm the statement of his gallant friend, which could not need any thing to aid its credit with the house. It was undoubtedly well understood, both here and in Ireland, that if any inconvenience had been felt, another would have been appointed. But so urgent had been the desire of the duke of Richmond, and of his majesty's ministers here, that the gallant general should retain the office, that a successor had not been appointed, because no inconvenience had been felt. If blame was imputable anywhere, it was not to the honourable officer, but to his majesty's government. He saw no necessity for the resolution, and therefore moved the previous question.

The previous question was then carried without a division.

The militia enlistment bill was read a second time. Upon the question for the speaker's leaving the chair,

Sir T. Turton said, that he by no means felt himself pledged to an augmentation of the army, unless the necessity of such augmentation could be made out. The noble lord had only said that the country might be placed in circumstances where a greater disposable force would be necessary. He could hardly guess that those circumstances could be, when we are told that we have a regular army of 210,000 men, of which 124,000 had been voted for Great-Britain and Ireland. Besides this great force, it was also known that upon any emergency 25,000 men could be got from the militia. He therefore wished the noble lord to point out what probability there was of the country ever wanting a greater disposable force than it now possessed.

Mr. Herbert spoke at some

length in support of the ideas he had before stated of endeavouring to induce the militia of every part of the united kingdom to volunteer their services to any other part of it. He was convinced that the militia, from the distant parts that were brought up to the metropolis returned considerably improved in every respect both moral and religious. They acquired a greater attachment for their common country, and were more willing to defend it. After dwelling for some time on the advantages of an interchange of service between the English and Irish militia, he said, he should propose a clause in the bill to that effect.

Lord Castlereagh said, that such a clause could not apply to the present bill, which was for the augmentation of the regular army. It could better be proposed when the other bill should be before the house, for raising men to supply the deficiencies which this measure would occasion in the militia. The honourable gentleman must, however, perceive, how repugnant such a clause would be to the feelings of many militia officers.

The bill then went through the committee without any material alteration, and was finally passed.

A bill having, on the 2d of Feb. been presented for prohibiting the distillation from grain in Great-Britain, the chancellor of the exchequer moved on this day the second reading of the bill.

Sir James Hall said, that he conceived that distillery and exportation of corn amounted precisely to the same thing to the country. It was of no consequence whether the corn was put into a still, or whether it was sent out of the country. He thought the great point was, that there should not be too great a glut in the market.

ket. There were two bad consequences which resulted from too great a plenty of corn at the market. In the first place, it injured the farmer, by not allowing him a sufficient profit; and in the second place, it encouraged an exuberance of population which must be fed. He thought an exuberance of population was a great evil to a country, as times of scarcity might come when they could not obtain food. He said that it was a bill which in its principle and tendency was adverse to the agricultural interests of the country, and ought not therefore to be continued, without very sufficient reasons being given for such a measure. He was more particular in this opinion at the present moment, as he understood that by the present bill Ireland was to be exempted from its operation; a measure which he thought was by no means just or fair; for, as it was intended as a matter of accommodation and benefit to the West India interests, he thought that both countries ought to bear an equal proportion of the burden on their agricultural concerns.

Mr. Foster said the honourable gentleman did not put the question on its fair and proper ground. The circumstances of Ireland with regard to grain were different from those of this country, especially that part called Scotland, the distillers of which could sell their spirits, after exporting them to Ireland, more than 2s. a gallon lower than those of Ireland; which was a most serious grievance to the legal distillers of that part of the empire, and gave encouragement to private stills, by which means a great quantity of grain was consumed, for the private distillations were from grain, and the revenue was at the same time de-

prived both of the duty on the malt and the duty on the spirits.

Several other members spoke; and the bill was then read a second time, and ordered to be committed. It afterwards passed into a law.

House of Lords, Feb. 7. The order of the day for summoning their lordships having been read,

Earl Grosvenor said, that he rose for the purpose of submitting to their lordships the motion of which he had given notice some days ago. After the recommendation in the speech, at the opening of the session—after the repeated declarations of ministers, that they were willing every part of their conduct should undergo the strictest investigation, he could not have expected that the smallest objection could be made to the motion he intended to make. Rumours, however, had reached his ears since he came down, that it was intended to oppose it. If it should appear that ministers had disappointed the hopes and expectations of the nation, it was his intention to follow up his motion by an address to remove them. The important, or rather the calamitous events that have recently occurred—the portentous state of all Europe—must have made a deep impression on the minds of their lordships. If it should appear that these calamities were principally owing to ministers having misemployed the resources of the nation, there could be no difference of opinion as to the necessity of immediately placing the guidance of the national concerns in abler hands. Before he went into the consideration of the last campaign, he was anxious to direct their attention to some other subjects. It was now upwards of twenty years since the revolution broke out in France, and in the course of that time the consequences of it had

been felt by every nation in all Europe. This nation, in consequence of that revolution, had now suffered for seventeen years, with the intermission of only a few months, the calamities of war. The question was not whether peace with France, as France now is, would be a benefit. For himself, he entertained no hope of peace as long as the hostile mind existed in the ruler of that country. What advantage had been derived from the last peace? Was it not a peace of distress, of suspicion, of expense? Was there any thing desirable in a peace of that description? No: we must make up our minds to a long and arduous struggle. In any peace that we should make with France, constituted as she at present is, all her energy would be directed in the interval to prepare the means of new hostility, to sap the foundation of our commerce, and to diminish our revenues and our maritime preponderance, both of which were the result of that commerce. The system of France was regular and undeviating. The vast power she had acquired within these few years was as much owing to her political dexterity as the victories she had obtained. The way for her triumphs was prepared by the total overthrow of the moral and political feelings of the countries whose subjugation she meditated. Though it was not perfectly regular, to allude in that house to what had passed in another place, he could not refrain from taking notice of something that had lately occurred. It was stated that a conspiracy existed to write down every thing that was noble or illustrious in the country. He was not quite persuaded that such a conspiracy existed, but it was impos-

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sible for him to shut his eyes to the licentious and petulant paragraphs of which the press could furnish daily examples. In one of these, a noble friend of his (lord Grenville) was stigmatized, on account of some expressions that fell from him in that house in the course of debate, as an abettor of the system of Bonaparte. He lamented that such a blessing as a free press should produce such evils; but if the existing laws were not adequate to repress or correct them, it was high time that the legislature should interpose. Here his lordship went into a review of the campaign of Spain, and, having depicted its calamities in very affecting language, he said, we might have derived some consolation for the calamitous consequences that resulted from these ill-advised operations, if our armies had marched into the country to make a noble stand; but instead of this, they marched into the heart of Spain, with the moral certainty of being obliged to retreat. The result of that retreat was fresh in their lordships' recollection. The army lost 4,000 horses, the best that could be provided for the species of service to which they were destined; ammunition to an enormous amount was destroyed; some of the finest artillery in Europe was spiked, the army at the time so dissatisfied as to be nearly in a state of mutiny; officers marching without shoes or stockings, and some of them, the most promising in the service, (he alluded to general Anstruther,) falling the victims of mental anguish and excessive fatigue. Having reached the ultimate point of retreat, they were detained five days waiting for transports, which, by arriving sooner, would have prevented all the

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blood

blood that was shed in the gallant action before Corunna. Was it necessary that all these sacrifices should have been made to prove the valourous spirit of Englishmen? He was one of those who hoped the affairs of Spain were not desperate; but he was persuaded that their success must depend rather on the exertions of Spain, than on any assistance we could send her. His lordship concluded by moving, that the house should resolve itself into a committee, to consider the state of the nation.

The duke of Montrose was of opinion that the motion of the noble earl ought not to be entertained by their lordships. He justified the government for not having interfered in the internal concerns of Spain, and for having been entirely guided by the wishes of their allies in the conduct of the campaign. Any interference of that kind must have excited the indignation of the people of that country, and have authorized them to say, Give us your assistance, but leave us to model our own constitution as we please. The plan of the campaign, he contended, was the best adapted to assist the Spaniards that could have been devised. The British army entered Spain under the expectation that either the army of Blake or Castanos, or both, would have joined it, but unfortunately they were no more. They engaged in pitched battles with the enemy, the consequence of which was that they were defeated and dispersed. Our army having no support was therefore under the necessity of retreating. He must oppose the motion, as being of too general and indefinite a nature.

Lord Darnley expected that a number of their lordships would have started forward to express

their opinion of the serious disasters that had occurred since the conclusion of last session—disasters which, he contended, were solely to be attributed to the misconduct of ministers. He expected that, in point of decency, ministers would have laid documents before the house to enable their lordships to decide upon those charges which they had professed themselves so ready to meet. What hope could they have entertained that they would be able to stop the career of Bonaparte in Spain? For his own part, he never expected Spain would do any thing, when he saw that all her force was incompetent to expel the French troops that had retired into Biscay and Navarre.

Lord Grenville observed, that the motion brought forward was particularly calculated to meet all the objections made by his noble friend. Through whatever quarter opposition came, he did not expect it to proceed from ministers, when the last sound he heard uttered by them in that house was a challenge to inquiry. Were their lordships to be deterred by the labour that might possibly attend the proposed investigation, from entering into it? As to the mode proposed being unparliamentary, or at all contrary to the practice of the house, it was so far from it, that it would be seen, on reference to the journals, that a committee of the kind was granted during the American war. The instance he alluded to was the surrender of lord Cornwallis's army, the greatest disaster that occurred next to the recent events in Spain. It was the practice of the house to pursue inquiry in the precise mode recommended by his noble friend. There was no mode more parliamentary of affording ministry an opportunity of meeting

meeting the investigation they affected to challenge. One new ground for inquiry had already arisen since last he addressed them. Circumstances had occurred to impress the public with an opinion that ministers intended to rest their case upon the discretion of an officer employed by them, and that officer now no more. If any circumstance more imperiously than another called for examination, it was this very circumstance. No small pains had been taken to convince the public, that the measures that were taken were not in consequence of the orders of government, but the result of the discretion of individual officers. Let the truth be known. He trusted that, in justice to the memory of that officer who had fallen for his country, the whole conduct of the Spanish campaign would be speedily investigated. It was to bring this before their lordships, that his noble friend had proposed the motion which they would be called upon to reject. The convention he thought was blameable, rather officially than in a military point of view. The occurrences in Sweden were swallowed up in the paramount importance of the events in Spain; but it would be for ministers to explain why the commander of the British forces was under the necessity of making his escape in disguise, to avoid the indignities to which he might be exposed. There was no more parliamentary mode of pursuing all these important inquiries than that proposed. The objections made would have been valid, if their lordships had been called upon to condemn without inquiry; to make what is called a short question of it, and bring it at once to the test of numbers.

Lord Eldon stated that ministers were not disposed to draw

back from inquiry. The object of the motion was not to go into an examination of particular subjects, but to take under their consideration the state of the country. For twenty-five years that he had experience of the proceedings in parliament, he knew of no instance in which such a motion had been acceded to. He had even the authority of the noble baron who spoke last for rejecting it. The Cintra convention, the conduct of the war in Spain,—these were tangible subjects, and therefore proper matter for a motion; but he could not agree to grant a committee upon undefined objects. He could agree to no motion of so general a nature. If the noble earl would move for any information respecting the convention, or Spain, or any other subject fit for their lordships to entertain and discuss, he might have it; but he deprecated that he or his colleagues in office should be met with these dark and carping insinuations. Let ministers be censured if they deserved it; if not, acquit them. In a committee of the nature proposed, it would be competent for any noble lord to discuss the liberty of the press, or any other subject, though not matter of immediate charge against ministers. On the subject of the liberty of the press, he might be allowed to make a few observations. The law of the country was equal to correct and put down any licentiousness of the press, whenever it should become necessary; but that licentiousness could not be suppressed without hurting the liberty of the press. If his lordship would amend his motion, he would have no objection to agree to it. If he will state that he means to go into an inquiry on the convention of Cintra, the manner in which the war has been conducted

in Spain, or any other subject, there will be no objection to grant him all the information he may desire, and he could assure the noble earl there would be no unwillingness in ministers to meet him on these specific charges, or any other he might think proper to bring forward; but let him not go into a scrutiny of their conduct without having the documents necessary to form a decision before the house.

Lord Erskine supported the motion.

Lord Grosvenor professed his readiness to frame his motion in any shape calculated to bring the important subjects he should mention before their lordships.

Lord Liverpool said that, during the last twenty years, in all the calamities and vicissitudes which arose in that period, whether from misconduct or misfortune, there was no instance of such a motion being agreed to as that proposed by the noble lord. In the course of that time repeated motions, of the nature of that brought forward, had been proposed, and they were invariably resisted by the noble lord on principles in which he completely agreed with him. The chief ground for resisting them was the indefinite nature of such motion. He would not say that cases might not occur in which such a committee might be necessary, but when that should not happen, it should give way to a course less subject to inconvenience. If ministers wished to shrink from inquiry, there was no mode better adapted for it than the one proposed; no mode better adapted to defeat discussion; no mode better calculated to confound and confuse all inquiry, could be adopted. The ordinary and regular course would be to adhere to the practice of parliament; to call for informa-

tion first, and then to follow it by a specific motion of censure, if he should be warranted by the nature of that information. Let the house get at the facts, and then they would know how to proceed. The noble earl, who made the motion, had dwelt much upon the great losses in men, ammunition, horses, and artillery, sustained in Spain. As far as he could follow him in those facts, and others respecting the march of the troops from Portugal, and the movements in Spain, there was not one of these facts, at least one which was material, in which the noble earl was not incorrect. How necessary was it, therefore, that before he called for a committee, their lordships should be put in possession of the true state of the facts? For his part, he was disposed to give him every information consistent with his duty to the public. With respect to Spain or Portugal, ministers would have no reserve as to the extent of the information they were disposed to grant, but they could not exercise equal liberality in what related to Sweden. They would not shrink from investigation on any points from which public inconvenience was not likely to arise.

The earl of Moira said, for his own part, he was convinced that, whatever the judgement of the house might be, the verdict of the country would be given on the decision of the house that night. Nothing could, in his mind, be clearer than the misconduct of his majesty's present ministers. That which he charged them with was so palpable and glaring, that it stared every man in the face, and must in the eyes of the public weigh heavily against them unless they consented to clear themselves by a fair and full investigation of the measures they had adopted and pursued.

pursued. Turn which way we would, the prospect was the same, and bore the like gloomy and dreary aspect. What was our situation with regard to America? and how had ministers acted towards that country? They knew in the beginning of the year, when they first began with Sweden, that they had every reason to expect a war with America. It was a case which touched the honour as well as the interests and commerce of the Americans; and there could not, therefore, be any thing more likely to happen. What, then, was likely to be the situation and state of Ireland, and that immensely important branch of trade and revenue, the linen manufactory? If the people of Ireland could not obtain flax seed from America, and we should also be shut out of the Baltic, the melancholy and dreadful consequence would follow, that there would be nearly half a million of people reduced to poverty and ruin; and all this was likely to happen from the inattention and abandonment of the interests of the king of Sweden. His lordship then adverted to the universal feeling of warmth and enthusiasm which the whole of this country had evinced last spring in favour of Spain. Never was any thing known so general, so animated, and so ardent, as the disposition which then prevailed, and the zeal with which every bosom glowed, to render the Spaniards every assistance in the power of this country to afford. His majesty's ministers had consented to meet the wishes of the people here, and to comply with the requisition of assistance made by the juntas in Spain. They determined on sending an army to Spain, but, in the plenitude of their wisdom and foresight, dispatched

it first to Portugal. He then mentioned two letters, both dated on the 30th of June last, from the war secretary to sir A. Wellesley, in the first of which Spain was mentioned as the first object; but in the other of the same date, he says, that, since writing the first of that day, information had been received from sir Charles Cotton, that there were only 4000 French troops in Lisbon, and therefore the whole of his attention was to be directed thither, thinking, he supposed, that it must fall an easy conquest. He believed ministers had been misled by that information, and had thereby sacrificed the best interests of this country. His lordship censured ministers for their mode of sending the army from Portugal into Spain, and still more the reinforcements sent out under sir David Baird, which were sent by ministers, so as to become a complete shackle on the measures of sir John Moore.

Lord Harrowby said that, if the noble baron thought the misconduct of ministers was so glaring as to stare every man in the face, he could not suppose a single paper would be necessary, and the fairest way would be to address his majesty to remove his present ministers. In the most eventful periods, motions similar to the present had been made, but were uniformly rejected. He expressed his regret at some expressions which had fallen from his noble friend (lord Grenville), as to the country being in a sinking state, which tended to create despondency in the people.

Lord Grenville begged their lordships' indulgence, till he made a few observations on what had just fallen from his noble friend. He believed he was the last man to

be found who would urge the difficulty of our situation, for the purpose of creating despair or despondency. He had always done the direct contrary. He had said, indeed, that we were at that moment pursuing a system of policy which was every day leading to direct ruin; but he had never even hinted, that he had the smallest doubt of the spirit and patriotism of the country. With respect to the valour, skill, and ability of our officers and seamen, and our invincible army, if their efforts were properly directed, no country could stand on prouder ground. But hitherto our councils were directed by a spirit of intemperance which tended to irritate every country against us with which we had any concern or connexion.

Ministers acted either without counsel, or with very bad counsel—sent out armies without plans, and embarked them in such a manner as to render success impossible: but it would be a gross calumny on him, if any one should say he thought the country sinking, except from the weakness of its councils. He had always held out one sentiment on the subject, which was, that we had no hope of safety, save that of relying on ourselves; but that ministers were pursuing a system of conduct that had hitherto produced nothing but disasters, and, if persisted in, must be attended with ruin.

The question was then put, and the motion negatived without a division.

CHAPTER II.

Mr. Wardle's Motion relating to the Commander-in-chief—Earl of Suffolk's commendatory Speech respecting the Commander-in-chief—Mr. Wardle's Motion—Mrs. Clarke's Letters to His Royal Highness the Duke of York—Anonymous Letter to Mr. Adam, and Examination of that Gentleman—Duke of York's Letter to the House of Commons—Mr. Whitbread's Speech on the Duke's Letter—Mr. Wynne's Notice of a Motion—Debate on the Evidence against the Commander-in-chief—Divisions on the general Question.

MR. Wardle rose to submit to the house his promised motion, respecting certain abuses which had obtained in the disposal of commissions in the British army. In doing this, he said, he should make no assertion in which he was not supported by positive facts. The power of disposing of commissions

in the military service of this empire had been placed in the hands of a person of high birth, power, and influence; and he was sorry to observe, that this power had been exercised to the worst of purposes. But notwithstanding the high authority and powerful influence which the commander-in-chief of this country

country possessed; no respect to either should induce him to swerve from his duty as a member of that house, or operate with him as a motive to screen his royal highness, in any misuse of his power or authority, from that public justice which was called for by the voice of the people. No other motive impelled him that day than a sense of his public duty; for, if corruption were not attacked in a quarter where it was so formidable, the army and the country must fall the victims of its influence. It was necessary, in the first instance, to put the house in possession of the true purposes for which the disposal of commissions in the army was placed in the hands of the commander-in-chief. It was for the purposes of defraying the charges of the half-pay list for the support of veteran officers, and increasing the compassionate fund, for the aid of officers' widows and orphans; and, therefore, any commissions which fell by deaths or promotions, the commander-in-chief had no right to sell or dispose of for his own private emolument, nor to appropriate for the like purpose any differences arising from the change or reduction of officers from full to half-pay. He had thus explained, he believed, the nature of the power vested in the hands of the commander-in-chief; but he could bring positive proofs that such commissions had been sold, and the money applied to very different purposes from the legitimate ones required by the military usages and establishments of the country. If he could prove that those purposes were, in a variety of instances, abandoned by the commander-in-chief; that officers had been reduced to the half-pay list without receiving the usual difference in such cases; and

if he could substantiate such a violation of the rights of military officers, it was a duty he owed his constituents and his country to do so.

In the year 1803, his royal highness set up a very handsome establishment, in a fashionable quarter of the town, consisting of a superb house and elegant carriages of various descriptions, for a favourite lady of the name of Mrs. Clarke. Of the lady's name he should have occasion to make frequent mention in the course of his speech, in connexion with a number of names and facts, to show the house that he had not taken up this subject on light grounds.

The first fact which he should state was the case of major Tonyn, of the 48th regiment, who received his commission as a captain on the 2d of August 1802, and was promoted to a majority in the 31st regiment in August 1804. He meant no reflection upon this gallant officer, nor in the smallest degree to depreciate his merits; he meant merely to state facts as communicated to him. Major Tonyn was the son of a very distinguished officer, and might have purchased his promotion, if he chose; but this gentleman was introduced to Mrs. Clarke by a captain of the royal waggon train; and it was agreed, that upon his appointment to a majority he should pay 500*l.*, the money to be lodged at a house to be named, three days before he was gazetted, and then paid to a Mr. Donovan, a surgeon, in Charles-street, St. James's-square. As he should have occasion to mention this gentleman (Mr. D.) again, it was necessary to state, that in 1802 he was appointed to a lieutenancy in a garrison battalion. He had never inquired what was the nature of the services he performed;

performed; but certainly no military services, for he had never been near his regiment, and seemed to have a perpetual leave of absence. He could not account why this gentleman's appointment was not in his professional line, upon the medical staff, sufficiently extensive as it was for the purpose. The introducer was captain Huxley Sandon. This money was appropriated by Mrs. Clarke towards the purchase of an elegant service of plate from Mr. Purkis, a silversmith, the commander-in-chief paying the remainder. Thus it was evident that Mrs. Clarke had the power of disposing of commissions for purchase; secondly, that she received pecuniary considerations for promotions; and thirdly, that the commander-in-chief partook of the emoluments; and this he could prove, by the evidence of five witnesses, including the executors of Mr. Purkis.

The next fact he would adduce was that of colonel Brooke, on the 25th July, 1805, and which was transacted through a Dr. Thynne, a medical gentleman of high respectability. It was agreed between him and Mrs. Clarke, that she should receive 200*l.* on his exchange being gazetted: the lady was extremely anxious, and said she could have an opportunity of getting 200*l.* without calling on the commander-in-chief, and on the Saturday following the promotion was gazetted. He should be able to produce lieutenant-colonel Brooke and lieutenant-colonel Knight; and he would be the last person in that house to bring forwards such charges without competent evidence. He should now state a case by way of contrast to the last, and for the purpose of showing that such permissions to

exchange were not easily obtained from the duke of York. It was the case of major M'Donnell and major Sinclair, of the first regiment of foot. Major Sinclair had been a considerable time in the West Indies; the climate perfectly agreed with his health, and therefore he was desirous of going upon that service, and applied to the commander-in-chief. Major M'Donnell, who was in a puny state of health, earnestly applied to the commander-in-chief for leave to decline that service, apprehensive of the danger of the climate, and wishing to remain in England. But major Sinclair was refused permission to go, and major M'Donnell was refused permission to remain, and was ordered to the West Indies; both gentlemen fell victims to the arrangement, for they soon died. But they offered no bribe to the military patroness, whose influence could have prevailed in their cases.

The next was the case of major Shaw, appointed deputy barrack-master general at the Cape of Good Hope. It appeared that the commander-in-chief had no favourable opinion of major Shaw; but Mrs. Clark interposes: he consents to pay her 1000*l.* Of this money he immediately paid 200*l.*; shortly after he paid her 300*l.*; when she, finding he was backward in the payment, sent to demand the remainder; but finding no chance of receiving it, she complains to the commander-in-chief, who immediately put major Shaw upon the half-pay list. The honourable gentleman said, he had a letter from major Shaw himself, stating the fact, and he never knew but one other instance of an officer being thus put on the half-pay list. Here then was further proof, to show that Mrs. Clarke's influence extended

tended to the army in general, and that it operated to put any officer on the half-pay list, and that the commander-in-chief was a direct party in her authority.

The next case to which he should advert, of the lady's influence, was that of colonel French, of the horse-guards. This gentleman was appointed to a commission for raising new levies in 1804, and the business was set on foot by Mrs. Clarke. He was introduced to her by capt. Huxley Sandon, and she was to have a certain sum out of the bounty to every recruit raised, and a certain portion of patronage in the nomination of the officers. She was waited on by colonel French, of the first troop of horse-guards, and as the levy went on, she received various sums of money by colonel French, capt. Huxley Sandon, Mr. Corri, and Mr. Cokayne, an eminent solicitor, in London, in the following rates, viz. for a majority, 900*l.*; captaincy, 700*l.*; lieutenantcy, 400*l.*; and ensigncy, 200*l.*; whereas the regulated prices were respectively 2600*l.*, 1500*l.*, 550*l.*, and 400*l.*; and consequently all this money was lost to the half-pay compassionate fund, to put money into Mrs. Clarke's pocket.

The next instance was one in which the commander-in-chief himself was a direct partaker in the advantages of this traffic, by a loan to be furnished through colonel French, the writings for which were drawn by a Mr. Grant, an eminent solicitor of Barnard's-Inn, for the purpose of raising 3000*l.*; but he did not receive it, because there were 3000*l.* due from government to colonel French: Hence then it was obvious that Mrs. Clarke exercised an influence in raising the military force of the country, in disposing of commands in that

force, and in converting the purchase of commissions to her own private advantage.

Having now said enough of Mrs. Clarke, he would next proceed to the case of captain Mar, of the royal African corps. He meant no reflection upon that officer. He was appointed to an ensigncy on November 28, 1806; some time after, he was made lieutenant. He had still the good fortune to remain a clerk at the desk of Mr. Greenwood, army agent. On the 15th of April, 1808, he was employed by the duke of York, and before the end of the year he was raised to a captain in the royal African corps, and the third year after his first appointment, and without seeing service; thus promoted over the heads of all the subalterns of the army, without any regard to their long service and wounds in their country's cause, though many of them had lodged this money to pay the differences on promotion. Whether the honour and interests of the British army, and the feelings of the officers, were properly to be subjected to such a system, the house of commons would judge and decide. He hoped, after what he had stated, the house of commons would not refuse to grant him a committee to inquire into those transactions: and, if they agreed, he would pledge himself to bring a evidence before them Mrs. Clarke herself, and the whole of the other persons whom he had named.

There was another circumstance in this case which he could not pass unnoticed: it was the existence of a public office in the city of London, where commissions in the army were offered to purchasers at reduced prices, and where the clerks openly and unequivocally stated, in his own presence, and in his

his hearing, that they were employed by the present favourite mistress of the commander-in-chief, Mrs. Carey ; and that, in addition to commissions in the army, they were employed to dispose of places in every department of church and state ; and those agents did not hesitate to state, in words and writing, that they were employed under the auspices of two of his majesty's principal ministers. Having now gone through the whole of his statement, the honourable member concluded by expressing his hope that the house would grant him a committee to inquire into the conduct of the duke of York, in respect to the disposal of military commissions ; and he moved accordingly.

Sir Francis Burdett seconded the motion.

The secretary of war said, he did not rise to give any opposition to the motion, at least to any fair and reasonable extent to which the proposition might be thought necessary. The honourable gentleman had, in a very candid manner, brought forward facts of the most important kind, and in their consequences most serious and weighty. He conceived the house would readily acquiesce in going into an inquiry of the facts which had then been brought forward, or any other facts which the honourable gentleman might still intend to produce hereafter ; but as to a general inquiry into the conduct of the commander-in-chief, he would not agree. He was certain that illustrious personage was ready to go into a full investigation of these charges. He wished to observe, that the manner in which the army had been fitted out, which was lately sent to Portugal, was a very striking mark of the supe-

rior military talents of the duke of York, and a strong proof of his great attention to and regard for that army, and of course militated against the truth of the charges, which, if founded in truth, must strike at its discipline, and, through that, at its very existence. His right honourable friend near him (sir A. Wellesley), who had so lately commanded that army, would readily tell the state in which he found it ; and, great as his right honourable friend's talents were for inspiring his soldiers with courage, spirit, and activity, he could not so speedily have instilled into them the noble energies of which they had given such unequivocal and brilliant proofs, if they had previously been under such inattention to and neglect of discipline as these charges held out. The spirit of promotion which had been infused into the army by the commander-in-chief, and which thrived so well under his auspices and nourishment, together with the extreme regularity, order, and arrangement which had been introduced into every military department, had done every thing for the army, and evinced that he had ever been actuated by the greatest zeal and anxiety for its honour and its interests, whereas the charges, if true, would make him one of its most inveterate enemies. He thought it necessary to make these few observations as to what he knew of the conduct of the illustrious personage in question ; and, having done so, would not trespass further on the time of the house than to say, he was very happy the honourable gentleman had brought them forward, as he was sure the commander-in-chief wished nothing more earnestly than that they might be fairly and fully investigated.

Sir A. Wellesley said, he rejoiced sincerely that the honourable gentleman had brought forward certain facts on which a committee might be able to judge. His right honourable friend had said that he was able to speak as to his knowledge of the army he had lately commanded, with respect to its discipline, and also as to the character and conduct of the commander-in-chief. He could truly answer that it had fallen to his lot to know particularly how promotions were made, and that such an advancement in the army never took place without the names being produced, by whom recommended, and the sums ascertained which were paid for the same. There was also a correspondence, showing how the money was brought in that was intended for the half-pay fund, and what sums went out of it. He rejoiced, therefore, at the statement of facts alleged, and then brought forward.

It would appear from the statement of the alleged facts, that, with a view to save money from going out of his own pocket, the commander-in-chief had connived at, or authorized the sale of commissions, the emoluments of which went into the coffers of his favourites, to the great detriment and injury of the compassionate fund. This seemed to be most contradictory of every principle of reason, or even probability. The compassionate fund actually originated with the commander-in-chief, who gave up, voluntarily, and most liberally and generously, a very extensive patronage, in order that the commissions so within his gift might be sold, and added to the compassionate fund, in order to exonerate the half-pay list. If he had wished to make use of these for corrupt ends,

nothing could be further from his purpose than the mode he had adopted. He coincided perfectly with his right hon. friend (the secretary of war), and should deem himself greatly deficient in duty, as well as justice, should he omit to speak of the state of the army so lately under his command in Portugal, and whose gallant achievements had so recently received the thanks of the house. He really believed there had never been an army in a higher state of discipline, from the staff down to the meanest soldier in the ranks; and if the army had not performed the feats and acquired the glory and the reward of the thanks it had received, the fault would not have been imputable to the commander-in-chief, but to himself (sir Arthur) only. He thought so much from him was due to the commander-in-chief, to whose superior military talents, and unremitting zeal and assiduity, the high state of discipline which our army could now boast was certainly to be attributed. Having made these observations, he should certainly vote for an inquiry.

Mr. Yorke said, he agreed with both the right honourable gentlemen who had just spoken, as to the importance of the charge, and that it was highly deserving the attention of the house. He believed there was never a charge of greater magnitude brought before it; nor had any honourable member ever before taken upon him to bring forward alleged facts, at once so serious and so weighty in themselves, and in their consequences. He was sorry to observe, that it had lately been the misfortune of this country to be inundated with the most shameful, scandalous, and atrocious libels against this illustrious character, and others of his august family.

ly. That such should have been the case, was, in his opinion, highly disgraceful to the country ; and he was happy to find that the matter had at length been brought into a tangible shape, and he hoped that the honourable gentleman would proceed with his facts, and endeavour to prove the very serious and important charges which he had thus undertaken to do. He had for some time past viewed with the deepest concern the continued and repeated current of scurrility which had been poured forth against various branches of the royal family ; and he could not, from the whole complexion of it, consider it in any other light than as a vile conspiracy against the illustrious house of Brunswick. [*A loud cry of Hear ! hear ! from all parts of the house.*] It had for some time past been thought by many, and said by some, that the jacobinical spirit which some years ago so unfortunately pervaded many parts of this country, was in a great degree allayed and diminished, if not altogether annihilated. He believed, however, that where a spirit of jacobinism had once taken root, it would never be wholly subdued or eradicated ; and when he reflected on the numerous infamous libels which had lately appeared, he could not but consider them as the engines of a conspiracy devoted to those purposes [*Hear ! hear ! hear !*] ; conducted, it was true, against his royal highness the commander-in-chief, but actually intended against the whole family and establishment. [*Hear ! hear ! hear ! from all sides !*] Write down the commander-in-chief, continued the right honourable gentleman, and you evidently attack and wound the whole. This he believed verily to be the aim and end in view of

these perturbed spirits. He was, therefore, decidedly in favour of an immediate inquiry, and if blame there was, there let the punishment fall ; but when it was considered who this illustrious personage is, against whom these facts had been alleged, how nearly he is related to the crown, how much praise he merited for his unremitting attention to the army, and its most vital interests, to which the right honourable general had just before so forcibly borne testimony, and thereby recorded, he thought that merely a commission would not be sufficient to investigate a matter of this important nature ; but that, when the honour of a branch of the royal family was so deeply concerned, and so strongly assailed, the house should take up the matter on a higher ground and on a broader basis, and pass an act of parliament for a special commission, empowering them to examine persons who were brought as witnesses on their oaths. This being the impression on his mind, he should not have thought he had done his duty, if he had not thrown it out for the consideration of the house, at least ; and no less grave and solemn a mode of investigation appeared to him to be properly adapted to the subject.

Sir Francis Burdett said, that he thought it was impossible any gentleman could have a different feeling upon this subject upon what had so forcibly been expressed by all those honourable members who had delivered their sentiments on the subject, and particularly those of the right honourable gentleman who had just sat down. For his own part, he had heard so many stories in circulation, which he had never the smallest doubt were calumnies, that, without knowing any

any thing more of the motion than what he had heard from the honourable gentleman who brought it forward, and of his intention so to do, he had agreed to second it. He could have no other reason for doing this than a sincere wish that these stories should be fairly brought to the test of investigation before so serious, so honourable, and so competent a tribunal as the house of commons, and there receive that judgement and decision which he had no doubt would be highly honourable to the character of the illustrious personage who had been so vehemently assailed by them. The right honourable gentleman had expressed his opinion that the several gross libels which have appeared against the commander-in-chief, are so many indications to him that a conspiracy exists at this moment against the whole establishment. Where the right honourable gentleman could obtain his information, he could not tell; but for his own part, he could never suppose that in this country, where discussion was allowed, such publications as those alluded to naturally or fairly led to any such inference or deduction. It had ever been the case that public characters, even in the highest rank, had, from time to time, been liable to the attacks of falsehood and misrepresentation. That it should have been so, or that it was so at the present period, he allowed was much to be regretted; but there was one consolation, at the same time, in reflecting that such weak efforts of envy or malignity were easily traced, and when found out might and ought to be exemplarily punished. He had no doubt but that the falsehood and malice of the libels alluded to by the right honourable gentleman would, on the present occasion, meet the fate they merit-

ed. He knew no way in which they had a chance of doing so, which appeared to him so certain or so speedy as an investigation of, an inquiry into, the present charges; and he was happy to find that the right honourable gentlemen opposite to him were of the same opinion.

Mr. Adam said, he gave way to the honourable baronet, in order that he might have an opportunity of showing, as he had done, with so much coolness, candour, and politeness, the motives which induced him to second the present motion. He was extremely glad he had done so, as the whole of the honourable baronet's sentiments had been delivered in a manner highly honourable to him. His chief reason for offering himself to the house on the present question, was for the purpose of stating what he thought would be the most desirable method of proceeding in the present case. In forming the opinion he was about to deliver to the house, he looked only to the principles of the British constitution, and the invariable end of its justice, viz. that from the highest subject to the lowest, every person accused must be taken to be innocent, till proved to be guilty. With respect to all those alleged facts which the honourable gentleman had then brought forward in a very candid manner, he had not the smallest doubt, however the honourable gentleman might have been induced to give credence to their truth or probability, it would ultimately turn out, on a proper investigation, that they are founded in falsehood and misrepresentation. With respect to money, there were some circumstances in the transactions which positively forbade him from believing them possible to attach to his royal highness the duke of York. He

He had been more than twenty years, not professionally, but gratuitously, in the service of the duke of York; and he assured the house he did not mention this from any vain boast of being so honoured with the confidence of that illustrious person, but from motives of justice he thought it his duty to declare that he had ever received the most unbounded confidence from his royal highness as to all his pecuniary affairs, and there had never been one of his embarrassments which the duke of York had ever concealed from him. He used the word embarrassments, because they had been made known even to parliament. On the accuracy of his memory in this respect he could positively and firmly rely, and could truly say, that he never heard of any loan which he wished or attempted to negotiate with any individual whatever, that was not grounded on as fair and honourable terms as a loan of the duke of Bedford, the duke of Northumberland, or any other nobleman could be, who had occasion at any time to raise money for any particular or special purpose. He was, therefore, an advocate for the inquiry.

Mr. Wilberforce thought that, situated as the house was as to party spirit, a committee of the whole house would not be that mode of investigation which would best be adapted to that impartiality which a charge of this high importance required. He considered the judicial power of the house in this way as very defective, and looked upon the mode proposed by the right honourable gentleman (Mr. Yorke) as preferable, because it would enable the committee to be appointed to examine witnesses on oath, which would give the evidence a weight in the eye of the public, and of the world, which the

other could not do. It had been done on former occasions, and he thought this as important a case as had ever occurred, and as much entitled to such a mode of proceeding. His royal highness's rank, the delicacy of his honour, the splendour of his connexions, require, that, if put on his trial, it ought to be taken upon its real merits, and investigated in so serious a manner as to show the house were in earnest; and that the inquiry should be on the most extensive scale, and that they were determined to do justice, which would best be done by examining witnesses on oath. It was well known, the eyes of all Europe were then fixed on the deliberations of the house, and it behoved them to act in the most grave and decisive manner. He would, therefore, prefer a parliamentary commission, with power to examine witnesses on oath.

The chancellor of the exchequer said, he was decidedly in favour of an inquiry into these most important charges, but was inclined to prefer the mode proposed by his honourable friend (Mr. Adam), of a committee of the whole house, as best adapted to the occasion, and most likely to obtain a full investigation and speedy decision. He owned he was aware of the extreme inconveniences which such investigations produce to the house, as had been well observed by his honourable friend behind him (Mr. Wilberforce), of protracting the business, both public and private; but if there was a case that required that all inconveniences should give way to it, this was unquestionably that case. The honourable gentleman who brought forward the motion had stated, that the agency of the office he had mentioned extended to situations in church and state, as well as the army, and that

two great officers in his majesty's present councils were privy to this office. He would, therefore, wish the honourable gentleman to name every thing which could lead to the fullest investigation. If he had any delicacy in mentioning the names of those agents publicly, it might be privately done. He wished him also to name the two persons in high situations, and he would give him every assistance to arrive at the truth. Publicity had been mentioned as desirable: he was decidedly of that opinion, which he thought would be best had by a committee of the whole house.

Mr. Wardle said that he had no objection to give every degree of information of which he was possessed. The office was in a court out of Threadneedle-street. The agents' names were Pollman and Keylock. The two great officers who had been mentioned were the chancellor and the duke of Portland. There were a variety of places for sale, some in Jamaica, and some in England. He did not wish to keep back any thing, but was willing to give all further information in his power.

The chancellor of the exchequer wished the honourable gentleman would inquire further into the affairs of the office with regard to promoting exchanges and appointments in the army, and particularly of raising loans. He concluded by moving, that the committee be a committee of the whole house.

Lord Folkestone objected to this, as taking the mode of proceeding out of the hands of the honourable gentleman—a proceeding of which he had, on a former occasion, loudly complained. Either method proposed would be better than this; but he would prefer a select committee.

Mr. secretary Canning was surprised at the objection of the noble lord, when the honourable gentleman himself had made none to the committee of the whole house, proposed by his right honourable friend, and which he coincided perfectly with him was the most desirable. He expressed his highest admiration of the conduct of the honourable gentleman in bringing forward those charges, if his motives were purely patriotism and the public welfare; but it was not to be disguised, that when this charge was once brought forward, it must some how or other be brought to a conclusion; and he begged him to recollect that ignominy and infamy must attach somewhere. He agreed with his right honourable friend (Mr. Yorke) that he was glad this matter had been brought forward in a tangible shape, and that there had been a degree of calumny the most extensive and the basest, and attended with a brutality of insult which would almost make one regret the liberty of the press, if it were not at the same time recollected, that the evil was transient, while the good was perpetual and immortal; but he must have a heart torpid and stony indeed, who did not feel the cowardice of those infamous attacks. The charge had been public; he hoped the acquittal would be as public, and would speedily ensue.

Mr. Whitbread said, he had very few observations to make, for he agreed with both the right honourable gentlemen opposite to him as to the propriety of a committee of the whole house. He thought, however, the right honourable secretary, who had just sat down, had gone a little out of his way in addressing his honourable friend who had brought forward

forward this motion in the way he had done. For his part, he thought the duke of York was obliged to his honourable friend for bringing forward this charge, and was somewhat surprised the right honourable secretary could for a moment doubt the blessings of the liberty of the press, when he confessed the evil was so venial in comparison of the good; but if there had been published that brutality of insult in libels against the duke of York, of which the right honourable secretary so loudly complained, where were the law officers of the crown, and how came they so to have slumbered over their duty as not to have prosecuted? The libels alluded to were anonymous; on which a right honourable gentleman (Mr. Yorke) had formed an idea of conspiracy; but his honourable friend had not been anonymous; he came forward fairly and honourably to make charges which he had been led to believe were true. And though he had not a shadow of doubt the illustrious commander-in-chief would be found innocent of all the calumnies charged on him, yet if he be, no infamy or ignominy could thereby attach to his honourable friend, who had acted in discharge of his duty as an independent member of parliament.

Lord Castlereagh was happy to find that there had been such an universal concurrence of sentiment with respect to the necessity of examining, in the most solemn manner, the charges which had now been brought forward. It was a proud situation for the constitution of the country, as well as for the illustrious person who was the object of this accusation, to have a personage the most exalted in rank of any subject in the realm (except one), desiring the same

publicity in the examination of the charges against him, as would take place in the case of the lowest and meanest subject. Although every gentleman would perceive that the house would suffer great inconvenience in being obliged to devote to this examination so much of that time that was wanting for other important business, yet it would be better to suffer that inconvenience than suffer calumnies to rest upon persons in the most distinguished and important public situations. He thought the house and the country should feel indebted to the honourable gentleman who brought this matter forward, as it was reducing those charges, which had been so often made, into a tangible shape, and a form upon which a regular decision might be had. It should be recollected, however, that every charge which had hitherto been made in that house against any part of the conduct of the duke of York, had only tended to raise his royal highness higher in the estimation of the public, and exhibit in a clearer view the purity of the principles upon which he acted. With respect to the doubt which the honourable gentleman (Mr. Whitbread) seemed to entertain, of the existence of a systematic conspiracy to traduce and calumniate the duke of York and the other members of the royal family, he should ask who was there that read those newspapers which are daily presented to the public, and those other publications which come before them more directly, that could entertain a doubt of this systematic conspiracy? It was evident that the same party, who in times past endeavoured to subvert all the establishments of the country by force of arms, are now endeavouring to undermine them

by calumniating whatever is exalted in rank, or distinguished in situation. That party could not now think of carrying their object by force of arms, as they knew the attempt would be too desperate and dangerous in the present times; but they were unremitting in their exertions to prepare the way to the objects which they hoped to accomplish, by calumniating the members of the royal family, and all persons in eminent and distinguished situations. The honourable gentleman asked, what were ministers and the law officers doing, or why they did not institute prosecutions? The fact is, they have instituted prosecutions; but their entire time would be taken up in prosecuting the libellers of the duke of York, if every libel was to be prosecuted. There was also one reason which often prevented prosecution. It was in the power of any man of moderate understanding, and who had any legal knowledge or advice, so to frame his calumny, that it might deeply wound the feelings of the person who was the object of it, and yet the malice of the calumny might be so disguised under the mask of fair discussion, as to make it difficult for the law to lay hold of it. There was another way in which libellers might escape justice. When the law was going to be put in force against them, they shrank from the laws, and quitted the country. In a very remarkable recent case [here the noble lord alluded to major Hogan], before the promulgation of the libel itself, the author had secured his passage to America. The house and the duke of York were now in a new situation, and he congratulated them and the country upon it.

1809.

The question was then put, on the motion of the chancellor of the exchequer, "that the committee should be a committee of the whole house," and was carried without a division. It was then ordered that the committee should sit on Wednesday.

The chancellor of the exchequer requested the honourable gentleman (Mr. Wardle) to furnish him with a list of witnesses to be summoned, and wished to know whether the honourable gentleman meant to begin with the case of major Tonyn?

Mr. Wardle said, that he was not now prepared to say which of the cases he would begin with, as many of the witnesses were officers on their return from Spain, who had not yet arrived in England. He thought, however, by Tuesday, that he should be prepared to prove some one of the cases, and would on that day give the list of the witnesses who were to be summoned.

House of Lords, Monday, Jan. 30. The earl of Suffolk hoped for their lordships' indulgence while he troubled them with a few observations on a subject which was not properly before the house. He observed with infinite pain the daily attacks that were made on the conduct of the illustrious person who was at the head of the military establishment. So far from there being any foundation for such condemnation, he was persuaded that it was owing to the constant exertions of that illustrious person that the army had attained a perfection in point of discipline that it never possessed before. It was owing to this admirable quality that it was enabled to make a retreat of 480 miles,

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miles, in the face of a superior army, and exposed to privations of every kind. So anxious was the commander-in-chief for the improvement of the discipline of the army, that he knew an instance in which a lieutenant-colonel was compelled to sell out, in consequence of his being incompetent to the duties of his situation. The noble earl concluded with expressing his approbation of the Military College, an institution much wanted, for which the country was indebted to the illustrious person at the head of the army.

House of Commons. Mr. Wardle wished to call the attention of the house to the subject appointed for the investigation of the committee to-morrow, in respect to his royal highness the commander-in-chief. He understood that some of the witnesses whom it would be necessary for him to examine touching this inquiry were not now in London, particularly major Knight and major Brooke; and as he wished to adduce such proofs as would place the truth of the statement he had made to the house beyond the possibility of doubt, he trusted the house would not expect him to go through the whole of his case without the attendance of those witnesses he thought necessary. He was ready, however, to go into the inquiry to-morrow, or any other day the house thought more proper, with such witnesses as were in readiness to attend. But he hoped the house would indulge him with some further delay in respect to those points, to establish which the necessary witnesses might not be immediately forthcoming, and permit him to move for any additional witnesses to those he had already

dynamened, and whom he should deem requisite in the progress of the business. The witnesses, for whose attendance to-morrow he should now move, were lieutenant-colonel Knight, of the 5th dragoon guards; major Brooke; Doctor Andrew Thynne, of Berners-street; Robert Knight, esq. of Dean-street, Audley-square; and Mrs. Mary Anne Clarke, of Westbourne-place, Sloane-square.

Those several persons were accordingly ordered to attend, as were the proper persons from the office of Messrs. Cox and Biddulph, bankers, with their banking-book for July last. It was also ordered that Mr. Biddulph, a member of the house, do attend in his place to-morrow.

Feb. 1. On the motion of Mr. Wardle, the house resolved into a committee, to inquire into the conduct of his royal highness the duke of York, touching the disposal of commissions in the army,—Mr. Wharton in the chair.

Mr. Wardle, in proceeding to the investigation he proposed, felt it necessary to call the attention of the committee to a few preliminary observations. He hoped that in the statements he had already made to the house, he had not uttered a single word which could justify a suspicion that he was actuated either by party motives, or any thing like personal animosity towards the commander-in-chief. He trusted his conduct on the occasion had been open and candid. When first he proposed this investigation he had offered an entire list of all the witnesses. He had never kept any thing a secret from the house, and God forbid he should attempt to sustain his charges by any proofs but such as it became a man of honour to offer!

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He felt it necessary, however, to advert to some strong remarks which had fallen from a right honourable gentleman (Mr. Yorke) on a former night, which were not relevant to the subject before the house, and which, he thought, might better have been omitted. He had a right to appear in his place as a member of parliament, the accuser of the commander-in-chief; and it was the privilege of gentlemen on the other side of the house candidly to deliver their opinions on the subject: but he did not expect to be attacked in his personal character, or his conduct imputed to private motives, without any foundation in justice. Much was said about the licentiousness of the press, the spirit of Jacobinism, and of a conspiracy to overturn the illustrious house of Brunswick. Nothing, however, which he had said had any thing to do with the licentiousness of the press. There was no man within or without that house who abhorred Jacobin principles more than himself, unless by Jacobin was meant an enemy to corruption, for such he was, whether it existed in great or little men; and as to conspiracy against the house of Brunswick, if any man presumed to charge such a motive to him, it was the duty of that man openly and manfully to follow up the accusation by proofs. As to Jacobinism indeed, if his principles had tended that way, he should have adopted a contrary conduct; and, instead of opposing, should have cherished corruption until it undermined the government. His object, on the contrary, was to check corruption, to serve his country, and to prevent in time those dreadful effects which are the certain consequences of corruption. A right

honourable gentleman had said on the former night, that he could give no credit to the charges against the commander-in-chief, because he had been so intimately acquainted with him for twenty years, that, had any such transactions taken place, he must have known of them; but, as he knew of none such, the charges must in consequence be false. He would, however, undertake to prove the existence not merely of those comparatively slight transactions under investigation, but of others to a most enormous amount, which, most probably, were unknown to the right honourable gentleman, and which were the cause of the breach between Mrs. Clarke and his royal highness. He was aware of the difficulties opposed to him in such a pursuit. He was aware there were many members in that house, who might be supposed to lean more towards the commander-in-chief than towards a private individual like himself. [*Order, order, order!*] He was confident no member of that house would be actuated by motives of partiality in this case. [*Hear, hear, hear!*] He threw himself upon the honour, the candour, and indulgence of the committee, and, without trespassing further on their attention, would proceed to evidence.

Mr. Yorke said, as the honourable gentleman had alluded to some words which had fallen from him on a former night, he must beg leave to explain. So far from casting any censure on the honourable gentleman, or imputing to him any hostile motives towards the duke of York, he said his royal highness must feel obliged to him for putting the rumours, long industriously propagated on this subject, into a tangible shape. What

he had said about Jacobinism and the licentiousness of the press had no relation at all to the honourable gentleman, but applied to other topics, which must have been passing at the moment in every man's mind who heard him, and not to what fell from the honourable gentleman.

Mr. Wardle then read an extract from the London Gazette, of the 30th July, 1805, announcing the promotion of colonel Brooke, from the 56th regiment to the 5th dragoon guards, vice lieutenant-colonel Knight, exchanged; and said he gave this as competent proof of the exchange.

The first witness called was Dr. Andrew Thynne; and he was examined upon questions suggested by Mr. Wardle. But before his examination, Mr. Wardle assured the committee, that he very reluctantly, and against the gentleman's own wishes, called him as a witness. He had no other concern in the business than merely the inadvertent delivery of a message, which, upon mature reflection, he most probably would have declined. The evidence adduced by Dr. Thynne was, that he, at the request of Mr. Knight, made the overture to Mrs. Clarke, and that he was authorized to offer her 200*l.* if she should cause the exchange to be expedited;—that he expected her to be able to get the thing done through her influence with a certain great person; that this great person was the commander-in-chief; that when the exchange was effected, Mrs. Clarke sent to the witness the Gazette, in which it was recorded, accompanied with a note from herself, saying that as she was going into the country, 200*l.* would be very convenient to her; that when he made the

offer to Mrs. Clarke, he gave her the names of the parties on a slip of paper.

This evidence was confirmed by Mr. Knight and by Mrs. Clarke, who also proved that, in consequence of the exchange having taken place, she had received the said sum of 200*l.*; and that when she had received the money she told the duke of it, and in his presence sent the note to be changed by one of his servants.

Many other witnesses were examined; and at the conclusion,

The chancellor of the exchequer proposed that the committee should adjourn till Friday next, giving the honourable member (Mr. Wardle) an opportunity to collect his other witnesses; for the remainder of the evidence on behalf of his royal highness was very short. The right honourable chancellor was convinced that the honourable member would not consume a day more of the time of the house than was necessary; and as he had several more charges to prove, the right honourable chancellor would take the liberty of asking upon which he would next enter.

Mr. Wardle replied, that this must depend upon the arrival of captain Huxley Sandon with the royal waggons at Portsmouth, and of general French from the West Indies.

Mr. Adam said, that the present was one of the most cruel and severe cases that he had seen for a length of time. His royal highness the duke of York was charged with matters of the most criminal kind; and notice was given of this charge at the earliest period of the session, when military men were absent on duty, or had fallen by the sword, and when those inquiries could not be

be made, which the honourable and learned gentleman had no doubt would prove that the promotions of those men were equally honourable to those who had fallen, and to those who had made them. Under these hardships, the honourable and learned gentleman thought that the house had a right to ask whether the honourable member had not some witnesses ready to be called on Friday; and especially as the committee had now taken the trouble to go through a tedious examination of six or eight long hours. The honourable member would recollect, that there were other charges which he had to establish; and if the committee were told of the non-arrivals of captain Huxley Sandon and general French, they would have no reason to think but that there was more of charge without foundation in the honourable member's inquiry, than of proof altogether. The honourable member therefore should be required to select some one charge upon which the committee might immediately resume their proceedings. If the honourable gentleman had taken the advice of any other member upon his present inquiry, he would not have been so rapid in giving his notice, and in saying things that remained upon persons without immediate confirmation or refutation. Many of the persons mentioned in the opening of the honourable member's charge were known to be in London; and therefore his royal highness was not to be placed in the cruel situation of suspense. If ever it was at all desirable that justice should be administered quickly, it was so in a case where the honour of the se-

cond subject in the realm was impeached.

Mr. Wardle wished to correct the error to which he had alluded in his former evidence; but being informed that it was not yet the proper time, he moved, "That a proper officer from the office of the commander-in-chief do attend the committee of the whole house, appointed to inquire into the conduct of his royal highness the duke of York, with the book containing the applications for purchase by subaltern officers, within the period in which captain Maling had his three commissions given to him."

Mr. Wardle begged to call the attention of the committee to the correction he had to make of his former evidence. He had on the former night stated that he had not seen Mrs. Clarke on Tuesday morning, though he had waited a considerable time in her drawing-room for the purpose of seeing her. On recollection, however, he found that it was on Monday he had waited a long time in the drawing-room, and that on the morning of Tuesday he had seen Mrs. Clarke for a few minutes, as well as in the evening, as he had before stated. After this Mr. Wardle underwent a long examination, as to the number of interviews he had had with Mrs. Clarke.

Mr. Adam was next examined, and the following letters read as evidence:

"Sir,

"On the 11th of May, 1806, you waited on me, by the desire of his royal highness the duke of York, to state his royal highness's intention of allowing me an annuity of four hundred per annum. His royal highness, by his promise, is

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now indebted to me five hundred pounds. I have written repeatedly, but of no avail. His royal highness's conduct towards me has been so devoid of principle, feeling, and honour; and as his promises are not to be depended upon, though even given by you, I have come to the determination of making my intentions known to you, for the consideration of his royal highness;—and thus it is:—I solicit his royal highness to make the annuity secure for my life, and to pay me the arrears immediately, as my necessities are very pressing—(this he knows.) If his royal highness refuses to do this, I have no other mode for my immediate wants, than to publish every circumstance ever communicated to me by his royal highness, and every thing which has come under my knowledge during our intimacy, with all his letters; those things amount to something serious: he is more within my power than may be imagined. Yet I wish, for his royal highness's sake and my own, that he will make my request good, as I know full well I should suffer much in exposing him in my own mind: yet, before I do any thing publicly, I will send to every one of his royal highness's family a copy of what I mean to publish. Had his royal highness only been a little punctual, this request had never been made. One thing more: should his royal highness throw up his protection to my boy, (for I thank him much for the past) I hope he will place him on the foundation of the Charter-house, or any other public school: the child is not accountable for my conduct. You will please then, sir, to state this communication to the duke

of York; and on Wednesday I will send to your house, to know what may be his royal highness's intention; which you will please to signify by a letter to

“Your most obedient

“humble servant,

“M. A. CLARKE.

“*Sunday morning,*

“*June 19.*

“His royal highness must feel, that his conduct on a late affair deserves all this from me, and more.

“*William Adam, esq. Bloomsbury-square, private.*”

Indorsed Mrs. Clarke,

19th June, 1808.

“11, *Holles-street, Cavendish-square.*

“Sir,

“On Wednesday, finding there was not any answer to my letter, I am led to conjecture, his royal highness the duke of York thinks not proper to make good his promise given by you, and that you encourage him in it.

“I have employed myself since in committing to paper every circumstance within my recollection during the intimacy of his royal highness and myself. The fifty or sixty letters of his royal highness will give weight to the whole. On *Tuesday* I have promised to give these up, if I hear nothing further after this last notice; and when once given out of my own possession, it will be impossible to recall. It is to gentlemen, and not any publisher, they will be committed; and those gentlemen are just as obstinate as his royal highness, and more independent: they are acquaintances of yours; and to relieve my wants, in pique to others, will do what the duke will

will not : however, he has it all within his own power, and so he may act as he pleases.

“ I am, sir,

“ Your most obedient,

“ M. A. CLARKE.

“ *Saturday morning.*

“ *William Adam, esq. Bloomsbury-square.*”

William Adam, esq. was examined as follows :

Having stated that you have served his royal highness the duke of York gratuitously, may I be allowed to ask, Have you a son in the army?—I have, he is a lieutenant-colonel of the 21st regiment of foot.

At what age was he made lieutenant-colonel?—I will answer that question. But as I have received a letter which I will presently read to the house, they will see the necessity of my answering that question by stating the introduction of that person, and the progress he made in the army. General sir Charles Stewart, who was a friend of my early life, asked me if any of my five sons had a disposition or inclination for the army. I told him that there was one of them, then fourteen or fifteen years old, who I thought had a strong tendency that way. He said, You know my friendship for you, and the rules of the service permit my making him an ensign. He gave him the commission of ensign ; his regiment was in Canada, and the young person never joined it, but was sent by me immediately to Woolwich, to receive a military education regularly ; and as I am asked a question of this sort, and know its tendency, from the letter I have in my pocket I do not think it unbecoming in me to state, of so near and so dear a relation, that he

distinguished himself extremely in his progress at Woolwich. He received a second commission of lieutenant from general sir Charles Stewart, equally gratuitously with my services to the duke of York. When sir Ralph Abercrombie, whom I likewise had the honour to call my intimate friend, was about to go out to the Helder, he went under him at the age of sixteen as a volunteer. The house will pardon me, for it is impossible for me not to feel upon this subject ; I must state his merits. That youth landed in a hot fire, and he behaved so as to receive the thanks of every body around him ; he remained actively engaged in every engagement during that expedition ; he had the command of such a subdivision of men as a lieutenant commands, and they were of those troops that were raised as volunteers from the militia ; they were raw to service, they required much management, and yet he contrived to conduct them well : when he returned to this country, he received from his royal highness the duke of York, without any solicitation whatever on my part, so, help me God ! a commission in his own regiment, the Coldstream, having paved the way to make him a lieutenant in his own regiment, by giving him a commission in one of the regiments that was raised just after the affair of the Helder. I do not recollect the particular circumstances, but it will be easy to get them at the war-office, if that is necessary. He remained in the Coldstream regiment at home until the expedition to Egypt, when he went again under sir Ralph Abercrombie, where he was accompanied by his friend at Woolwich, who had made a similar progress with himself, the son of sir John Warren, who was killed

by his side. He was one of those who landed with the guards in the illustrious landing commanded by sir Ralph Abercrombie, and covered by lord Keith. I have the happiness to say, that he distinguished himself equally upon that occasion. When he returned home, the duke of York again gratuitously transferred him to his own regiment with the rank of major; and he rose as a matter of course, at the age, I believe, of not quite twenty-one, to the rank of lieutenant-colonel in the second battalion of his own regiment. When colonel Wilson went abroad with general Maitland, colonel Wilson intimated to me, that it would vacate his lieutenant-colonelcy; and the only time I ever mentioned his name to the duke of York was to mention that fact, and to leave it to his royal highness to do as he thought fit: his royal highness put him in the first battalion: and I have the happiness to think, that he has been a constant credit to his country, and has commanded as well, from the moment he was appointed lieutenant-colonel, as any one in the service; and I desire general officers in the service to speak to that. If general Moore were alive, he could do it. I now beg leave to read this letter, which I should have considered a mere trifle, if it were not for this question, and put it into my pocket, and probably into the fire: it is written in *red ink*.

[Mr. Adam read an anonymous letter.]

“To W. Adam, esq.

“Sir,—Your character was once respectable—that is now over; your shifting of sides in the house, and your interference in the duke of York’s *lechery*, would have dubbed any other man with the epithet of *pimp*. By your perpetual subser-

viency to the royal interests, one of your sons has obtained a lieutenant-colonelcy, and the other a ship—(‘I wish I was questioned as to *that appointment*—’) Bravo—go on—see if you can persuade any man you are not acting for profit, when your family is thus provided for. What! the duke’s conduct is not to be canvassed—no, nor his profligacy to his w——, because he is the second in the kingdom, and a prince forsooth. Decide as you will, the public can form their judgement: nor will a heavy burthened people be persuaded, by the vote of a bear-garden, that *black is white*. Be honest, change your principles with the colour of your hair; let this *rubrick* prove to you typical of my feeling, blushing as I am at your misconduct: and as for the house, it may discuss the subject; but on its decision depends its own damnation or salvation.”

After this the committee went into the case of captain Maling, which involved in it no direct pecuniary corruption, but which proved that offices in the army had been sinecures, for it appeared that captain Maling had three times enjoyed promotion in the army without having done duty in any regiment, being all the time in the office of the commander-in-chief.

Lord Castlereagh informed the honourable gentleman opposite, that he had inquired whether captain Huxley Sandon had arrived at Portsmouth, that he found he had, and that orders had been sent to him to come up to town.

The chancellor of the exchequer observed, that if that officer should not arrive in time for the next examination, the honourable member might proceed with some charge in which his testimony was not necessary. It would be desirable to proceed

proceed with the business on Monday, and he begged to know what charge the honourable member meant to bring forward on that day?

Mr. Wardle seemed to think Monday too early a day, and said that it was impossible for him to state what particular charge he should bring forward.

A long conversation ensued, in which Mr. Sheridan expressed his surprise, that his honourable friend was not disposed to proceed with this business on Monday, and also to declare the particular charge which he meant first to adduce. It was impossible but that he himself should be ready, and if his witnesses should not be here at the time, it would be competent to him then to defer the proceeding.

Mr. Wardle observed, that captain Huxley Sandon was a material witness in every charge, and that the probability of his being able to attend on Monday did not seem to be very great.

Lord Folkestone remarked, that the order book contained an abundance of business for Monday without any addition. He thought the honourable gentleman asked only a common indulgence, when he wished for the delay of a day.

Mr. W. Smith allowed that he could not see why the honourable gentleman could not at once make up his mind with respect to the charge that he would next endeavour to maintain. But still he might have reasons for not doing so. It was important, however, to the character of the house, that the honourable member should not be treated with any thing like unkindness. Neither he (Mr. S.) nor any of those on the same benches were implicated in the manner in which the honourable gentleman

thought proper to bring his charges. None on his side of the house had been consulted as to the matter or the manner of those charges: but in proportion as the honourable gentleman had taken the business entirely on his own shoulders, he ought to be dealt with fairly and impartially.

Sir Francis Burdett was persuaded that if this was the way in which any honourable member, who attempted to correct public abuses, was to be assisted by the wisdom of the house, very few would henceforward enter on such an undertaking. For himself, he should be ashamed to make any such disclaiming as that made by the honourable gentleman near him. The gentlemen opposite might think what they pleased: what he did, he did as his duty. It did appear to him that the honourable accuser had acted in the most fair, candid, and even incautious manner; and that much of the reproach which he had unjustly incurred, had arisen from his desire to comply with the indecent hurry of the gentlemen opposite.

Mr. Canning admitted that the honourable baronet had taken a manly part—that he had stated his reasons frankly, and he knew he had ability to maintain them. But what would be said if there was a person who had secretly advised—who had secretly been consulted, and who sheltered himself in silence under that broad *disclaiming* shield which an honourable gentleman had thrown over himself and his friends? If such a person existed, he must apply to his conduct terms very different from those which he had in justice applied to that of the honourable baronet.

Mr. Whitbread, with great warmth, accused the right honourable

able secretary of making a covert attack on some individual, whom he did not venture openly to denounce, and called upon him, with the same manliness which he had praised so highly in the honourable baronet, to name the person to whom he alluded. [*A pause of half a minute : cries of Name! name!*] If the right honourable gentleman would not name the person, it must be taken for granted that he had no ground for his insinuation.

Mr. Yorke protested against this unparliamentary mode of calling on one honourable member to name another.

Mr. Whitbread replied, that if the honourable gentleman had sat near him, he would not have been surprised at his feelings; when the right honourable gentleman, by a direct insinuation, and by his gestures and look evidently directed towards himself, had pointed him out as the object of his attack.

Mr. Sheridan expressed his surprise that his honourable friend had entered on this business without more serious preparation and knowledge. When he knew that his honourable friend had in contemplation to institute the proceeding, and when he heard that he was lending himself to an association of the most infamous nature, he had warned him of the dangers to which he was exposed. He was sure that his honourable friend was not influenced by unworthy motives, but he was also sure, that if his honourable friend knew the real character of those by whom he had been deluded, he would shrink from them with horror. Having begun, however unprovided, he must now proceed. It was impossible such an accusation should stand over, because the evidence by which the accuser ex-

pected to support his charge could not be immediately procured. Good God! what was the business before the house? It was, whether at this peculiarly important crisis, the commander-in-chief of the forces should be reprobated and impeached, or his character restored fair in the public estimation. It was a case of vital importance.

Feb. 7. After the examination of several witnesses as to the expenses of the establishment of Gloucester-Place; captain Sandon was called in, and questioned with respect to colonel French's levy. It was proved by documents that on the 30th of April, 1804, colonel French and captain Sandon obtained a letter of service, that is, an authority to raise 5000 men for the army, and that this authority and bargain was granted and made through the power of the commander-in-chief, the transaction being one that originated in his office. Captain Sandon stated that Mr. Cockayne, his attorney, having told him that if he wanted any thing done at the war-office, he knew a person who could do it; he was led to the transaction in question with colonel French: that there was an agent of Mrs. Clarke, a Mr. Corri, a music-master, who was to introduce them; that the original bargain was, that Mrs. Clarke was to receive 500 guineas, and Mr. Corri 200*l.* for the introduction, the former sum to be increased at his discretion, if they were successful in their levy, to 2000*l.*

Mr. Corri stated that Sandon did apply to him, and commissioned him to offer Mrs. Clarke 2000*l.* for her assistance; that he, in consequence, did apply to Mrs. Clarke, and that in June 1804, he received 200*l.* for himself from Sandon,

don, which 200*l.* he gave to Mr. Cockayne, to whom he was in debt.

Mr. Dowler stated that he saw colonel French and captain Sandon at Mrs. Clarke's, that by desire of Mrs. Clarke he spoke to them several times upon the subject of the levy; that Mrs. Clarke told him that she was to receive a thousand guineas, and a guinea per man, until the levy of 5000 men should be completed. He also added that he was present when colonel French or captain Sandon, he does not know which, gave Mrs. Clarke 500*l.* of it. Upon being asked what cause she assigned for doing these things, he replied, "She said the duke of York was so distressed for money that she could not bear to ask him for any, and that this was the only way by which she could support her establishment."

Mr. Grant, agent to the levy, confirmed these statements, and said French and Sandon told him they had actually paid her 1,700*l.*; and that colonel French applied to him about a loan of 5000*l.* for the duke of York.

Mrs. Clarke admitted that French and Sandon had applied to her for the levy; that they promised her a pecuniary compensation—that the duke, upon this, promised that the parties should have the levy—that she recollects receiving one sum of 500*l.* which went in part payment of a service of plate for the house in Gloucester-place—that the duke told her he paid the remainder of the money for the plate—that French told her, if the duke would pass his accounts, he and his agent would accommodate him with a loan of 5000*l.*

Miss Taylor stated that she heard the duke of York speak to Mrs. Clarke respecting colonel French's levy, and that his words were, as

nearly as she could recollect, "I am continually wearied by colonel French about his levy. He is always wanting something more to be done in his favour;" then turning to Mrs. Clarke he said, "How does he behave to you, darling?" She replied, "Middling: not very well:" to which the duke added: "Master French must mind what he is about, else I will soon cut up him and his levy too."

Another case of considerable importance related to the promotion of major Tonyn. On this subject captain Sandon was desired to state what he knew respecting the promotion of major Tonyn from the 48th to the majority of the 31st regiment. To which he replied:

"In an interview with Mrs. Clarke, she asked me if I had any military friends that wished for interest: if they had money, she thought she could get them promoted. At that period I did not know any body; but meeting with Mr. Donovan the next day, I asked him if he had any friends? He said Yes, there was a gentleman in town that he thought would give a sum of money for a step: I asked him what sum he would give? He said he thought he would give five hundred guineas. I spoke to Mrs. Clarke upon the subject, and she said, By all means close with him. When I saw Mr. Donovan, I told him that I thought I could procure his friend the step that he wished for; upon which he produced a memorandum, signed by a Mr. Gilpin, of the Strand, for the sum I have mentioned, whenever he should appear in the London Gazette, gazetted as a major. I believe it was near upon two months or ten weeks, I suppose it might be two months, when captain Tonyn, for I never had the honour

honour of seeing captain Tonyn before that period, got tired that his promotion did not appear: he desired Mr. Donovan to call upon me to say, that if I could not get the business finished, I had better return him his memorandum. I waited upon Mrs. Clarke, and told her what Mr. Donovan had said. She said, that he was a shabby fellow, that he was very much in haste, but that if he would wait quietly, she dared say it would be done, and desired me to say that he had better wait a little. However, the next day I met Mr. Donovan, and I told him the interest that we had to procure the majority had informed me that they had better wait a little. Mr. Donovan said, I am instructed by captain Tonyn to say, You must give up your security immediately, for we are pretty clear, or, at least I am pretty clear, you cannot get him gazetted; and another thing, general Tonyn has spoken to the commander-in-chief, and he has promised him the first majority that is vacant. I then begged to see captain Tonyn: Mr. Donovan introduced me to him; he then told me the same; Sir, this business has been a long while upon the carpet, I do not think you can effect what you say you can do, and I desire you will give me up the security I gave you; for general Tonyn, my father, has procured a promise from the commander-in-chief to give me a majority. I observed to him, that he had better wait a few days, for that I thought, in all probability, he would be gazetted. However, after arguing the point for a little time, he said, For two or three gazettes it does not signify, let the business go on, and if I find I am gazetted in a week or ten days, the business shall be as

it originally was. However, to make short of the story, I believe it was the Wednesday when we were speaking, and on the Saturday or Tuesday following he was in the Gazette as major:—the consequence was, I received the five hundred guineas, 500*l*. I gave to Mrs. Clarke, and 25*l*. to Mr. Donovan.

Mrs. Mary Anne Clarke was called in: and, having been informed by the chairman that she was to answer only those questions which she could answer from her own knowledge, was examined by the committee as follows:

Do you recollect recommending captain Tonyn of the 48th regiment, for a majority, to his royal highness the commander-in-chief? —I do.

Do you recollect who introduced captain Tonyn to you for your recommendation?—Either Mr. Donovan or captain Sandon.

Do you recollect whether you were to receive any sum of money, provided captain Tonyn was gazetted?—I do not recollect the stipulated sum, but I received 500*l*. when it was gazetted.

Did you make it known, when you recommended captain Tonyn to the commander-in-chief, that you were to receive any pecuniary consideration for his promotion? —Yes.

This was on the 10th; and on the 16th, when all the cases had been gone through, as far as Mr. Warde appears to have intended to go,

Mr. Perceval said, he was prepared to state a fact which had been ten or twelve days in his knowledge, and which had been communicated to several gentlemen upon both sides of the house. He had reserved the communication of this fact till the case had been closed,

closed, and if the committee should be of opinion that the circumstance ought to have been communicated earlier, the fault was entirely with him. His royal highness had wished him to make the statement earlier to the committee, and consequently he alone was culpable if it had been improperly withheld. The fact he had to state was, the suppression of testimony as to one of the charges which had been brought before the committee, namely, that with respect to captain Tonyn's case. It appeared by the minutes, that a sum of money had been lodged by captain Tonyn to be paid to Mrs. Clarke and Mr. Donovan in the event of his promotion taking place. It appeared, also, that after some time captain Tonyn became impatient, and demanded his security back in May or June. The important suppression to which he wished to call the attention of the committee was in the evidence of captain Sandon. But before he mentioned the circumstance, he should state to the committee the manner in which he received the information. On Saturday se'nnight a letter had been delivered to him by colonel Hamilton, from his learned friend opposite (Mr. Adam), acquainting him that colonel Hamilton had an important communication to make. He saw colonel Hamilton a few minutes after he waited on him, and learned from him what he collected from captain Sandon since his arrival in England from abroad. Colonel Hamilton was an officer in the waggon train, to which captain Sandon also belonged. On his arrival in England, colonel Hamilton learned the state of things with respect to the charges brought forward in that house, and, among others, that respecting ma-

major Tonyn's case. Colonel Hamilton then sent for captain Sandon, who stated to him all he knew of the transaction, being all he had stated at the bar of the house afterwards, with the exception of what he had suppressed. Captain Sandon said, that when major Tonyn became impatient, he went to state the circumstance to Mrs. Clarke, who sent him back to major Tonyn to inform him that she had received a note from the duke of York respecting his case, which note was shown to major Tonyn by captain Sandon. The note was, "I received your note, and Tonyn's case shall remain as it is." This note was intended to show that the person to whom it was written had influence, and in consequence major Tonyn consented to let his security remain. When major Tonyn was gazetted, captain Sandon was directed to show him another note, purporting to have been written by the duke of York, and stating, "Tonyn will be this night gazetted." The former note captain Sandon showed to colonel Hamilton, and said, that he thought it would be the best course to destroy it. Colonel Hamilton, on the contrary, strongly dissuaded him from destroying so material a part of the evidence. The other note had been given to major Tonyn by captain Sandon, but was not afterwards given back. Colonel Hamilton mentioned the matter to his learned friend, and by his advice went to captain Sandon, when he obtained a copy of the note, and again repeated his injunction to the captain not to destroy the note. He understood that captain Sandon, when he came to London, proposed to see Mr. Lowten, agent for his royal highness, and also to wait on Mrs. Clarke, in order to his being examined.

mined by each. His learned friend had sent colonel Hamilton to him, and followed soon after himself. It appeared to him, as he trusted it would to the committee, that his learned friend and himself should instruct colonel Hamilton as to the course which captain Sandon should pursue. They recommended that he should not submit to be examined either by Mr. Lowten or Mrs. Clarke, but keep himself clear of all interference on either side, until he should come to the bar, but above all things not to destroy the paper. These were the instructions which had been given to colonel Hamilton. It would also strike the committee, that his communication ought to have been made to his royal highness the commander-in-chief. But whatever might be the result of the investigation then pending, neither he, nor his learned friend, as members of parliament, could, consistently with a sense of duty, make themselves the depositaries of this secret. As it had been communicated to them, they felt they were bound to make it public. The communication of the circumstance had been made to the commander-in-chief late on Saturday. His royal highness utterly denied all knowledge of the matter, and declared the note to be a forgery. The commander-in-chief came shortly after to his house with his learned friend, and restated with the strongest conviction, upon the best efforts of his memory, that he had no knowledge of the matter, and that he wished it to be sifted to the bottom. As to the fact of the note relating to the appearance of major Tonya's name in the Gazette, his royal highness could not be so positive. He could not state that he might not have written such a note, in

answer to a note which might have been addressed so him; he could not call the circumstance to mind. The other note, however, his royal highness most positively denied having written. His learned friend had stated what passed between colonel Hamilton and captain Sandon, who acted as it was wished he should. He told colonel Hamilton that he would come here, and, as he did, tell the truth, but that he had destroyed the note. When they found that the note had been destroyed, they ceased to have any communication with captain Sandon, and left him to come to the bar, and state what case he should think proper. He had come to the bar, but had suppressed this important feature in his evidence, which, whether the note was a forgery or not, ought to be communicated to the committee, in order that, if a forgery, the authors might be detected and punished, and, if not, that it might have its due weight in the pending investigation. He had thought it his duty to make this communication to the committee; and if there was any impropriety in having delayed it till this period, the fault was his, though he had reason to suppose it ought to have been brought out in the examination of the evidence at an earlier period of the inquiry.

On this Sandon was called to the bar; and, being questioned about the existence of the note, prevaricated so much that he was committed to Newgate; but previously to being sent thither, he was allowed to go to his own house with the serjeant at arms, where he found the original note, and divers other papers connected with the business, which were all brought, and delivered to the house.

During the absence of Sandon,
Mrs.

Mrs. Clarke had been examined, and declared that she had not the smallest recollection of having received such a note from the duke; that no note was necessary, because he saw her, at that time every day of his life; and she also added that she never either gave or sent any such note to captain Sandon, because she was so very careful not to let any of the duke's writing go out of her hands.

Upon Sandon's return he was again examined, and declared that Mrs. Clarke had given him the note to be shown to Tonyn, to pacify him and to prevent him from withdrawing his money. Then Mrs. Clarke (who was ignorant of what had been passing) was called in and shown the note addressed to "George Farquhar, esq." containing these few words:—"I have just received your note, and Tonyn's business shall remain as it is.—God bless you."—She instantly said, "I suppose I must have seen it before, for it is his royal highness's writing—I do not know how it could have got into that man's possession, unless I gave it him: it was a direction I used very often to get from his royal highness."

This evidence being rebutted by the duke of York's positive denial of the fact, several witnesses were called from the Bank and Post-office to give their opinion upon it; and they all, with a single exception only, decided that the note is in the same hand writing as other letters acknowledged to be his. Some pains were taken to prove that the note was a forgery by Mrs. Clarke, but without the smallest success;

and at length it was generally, if not universally admitted to be in the duke's own hand-writing. And it must not be forgotten that the business of the note was not brought forward in the house by the chancellor of the exchequer till it was believed that the note itself was destroyed.

Mr. Perceval and Adam underwent long and close examinations as to the suppressing their knowledge of this note till they had good reason for believing it was no longer in existence. Mr. Adam said he had not brought it forward before, lest it should embarrass the proceedings and Mr. Wardle; but Mr. Perceval contended that he thought himself justified in producing any evidence in his possession at what time he thought most convenient.

Such is the outline of the case: but in the course of the examinations, much important evidence was adduced, merely by the cross-examinations of the attorney-general, and those who were avowedly the advocates of the commander-in-chief. Those who examine the case* will see that his royal highness is more indebted for the strong parts of the case made out against him to his friends than to Mr. Wardle. Divers letters were brought to light through their means, of which the prosecutor was totally ignorant; and to justify his royal highness, general Clavering made a signal attempt, and was himself committed to Newgate for prevarication, having first greatly injured the cause which he hoped to defend.

* See a work lately published, entitled, "History of the Proceedings of the House of Commons in the Inquiry into the Conduct of his Royal Highness the Duke of York, &c. &c." In this is given every particular relating to the whole business.

At the close of the evidence, Feb. 22, the opinion of the general officers, who were members of the house, was asked, with respect to the improved state of the army in discipline and condition, and whether the system of promotions in the service was not better than it had been. Generals Norton and Fitzpatrick, the secretary of war, sir Arthur Wellesley, and general Grosvenor, all paid high eulogiums to the conduct of his royal highness as commander-in-chief.

On the next day, Feb. 23, after much private business had been transacted,

The speaker rose and stated, that since he had come to the house he had received a letter, the contents of which related to the inquiry now pending before the house respecting the conduct of his royal highness the duke of York, and he wished to know whether it was the pleasure of the house that he should read it.

[*A general exclamation of Read! read! read!*] The right honourable gentleman then announced that the letter came from his royal highness the duke of York, was signed "Frederick," addressed to the speaker, and dated Horse Guards, Feb. 23, 1809. The contents were as follow :

COPY.

"Horse-Guards, Feb. 23,

"Sir, 1809.

"I have waited with the greatest anxiety, until the committee, appointed by the house of commons to inquire into my conduct, as commander-in-chief of his majesty's army, had closed its examinations; and I now hope, that it will not be deemed improper to address this letter through you to the house of commons.

"I observe with the deepest concern, that, in the course of this

inquiry, my name has been coupled with transactions the most criminal and disgraceful; and I must ever regret and lament, that a connection should have existed, which has thus exposed my character to animadversion.

"With respect to any alleged offences connected with the discharge of my official duties, I do, in the most solemn manner, upon my honour, as a prince, distinctly assert my innocence; not only by denying all corrupt participation in any of the infamous transactions which have appeared in evidence at the bar of the house of commons, or any connivance at their existence, but also the slightest knowledge or suspicion that they existed at all.

"My consciousness of innocence leads me confidently to hope, that the house of commons will not, upon such evidence as they have heard, adopt any proceedings prejudicial to my honour and character; but if, upon such testimony as has been adduced against me, the house of commons can think my innocence questionable, I claim of their justice, that I shall not be condemned without trial, nor be deprived of the benefit and protection which is afforded to every British subject by those sanctions under which alone evidence is received in the ordinary administration of the law.

"I am, sir, yours,

"FREDERICK.

"*The speaker of the house of commons.*"

The speaker then said, that though it was usual on such occasions to order the letter to lie on the table for the perusal of the members; yet as gentlemen on each side of him were anxious for the perusal; and as it was desirable to give the individual members of the house, as speedily as possible, possession of the contents of the letter, he suggested

suggested the idea of taking the letter from the table now, in order to have it copied as speedily as possible upon the votes and journals.

Mr. Banks said, that, as this appeared to him to be an extraordinary proceeding, he must appeal to the knowledge and recollection of the speaker, as to former precedents, in order to direct the house in what was proper to be done.

The speaker said, that the constant usage of the house, to the best of his recollection, had been, that all letters received by the speaker, and which he should deem proper to be communicated to the house, in the first instance were laid on the table, in order afterwards, at a convenient opportunity, to be copied into the votes and journals. In all ordinary cases this had been done. Letters had been received by the speaker, even on an occasion not remote, upon the subject of charges pending before the house; and this was the uniform custom, even without putting any question. But where a letter on a subject of so much more than ordinary importance was addressed to him for communication to the house, he felt it his duty to suggest the propriety of immediately ordering it to be copied on the votes and journals, that no delay might occur in placing it in the possession of the house.

It was ordered accordingly.

Feb. 24. Mr. Whitbread said, he rose for the purpose of drawing the attention of the house to an act which in his opinion more deeply affected the privileges of the house than any thing that had ever occurred since he had the honour of a seat in it. The act he alluded to, was the letter written by his royal highness the duke of York, addressed to

that house, and conveyed to it through the medium of the speaker. The speaker had certainly done his duty, as he always did with the greatest propriety and correctness on every occasion, by informing the house of the method usually pursued in cases of letters addressed to the house being communicated through him, and the result was, that the paper was ordered to lie on the table. If he (Mr. Whitbread) did not then object to it, a few minutes reflection enabled him to ascertain to his own satisfaction, that the true mode of proceeding would have been to move that the debate be adjourned. It appeared to him that this letter struck at the privileges of the house, by stating, that it examined evidence which it ought not to have done. His royal highness was as competent to have written to the house in the first instance, that it ought not to institute and carry on any inquiry on such evidence as would be produced before it. If it was the intention of any one of those who had advised his royal highness to write this letter, hereafter, to make any motion on the subject, the house would then be enabled to form a judgement what line of conduct ought to be adopted respecting it. Till he received some answer on that head, he should content himself with repeating, that he deemed the letter to be a gross violation of the privileges of this house.

The chancellor of the exchequer said, he did not know how, according to the rules of the house, he could take notice of what the honourable gentleman had said, as he had sat down without making any motion. He himself thought as highly as any one of the privileges of that house; and it did not ap-

pear to him, that any thing in the letter in question could be said to be an attack on, or an infringement of them. If the honourable gentleman had made any motion, he should have been able to have drawn a conclusion on what he meant. All he could now collect was, that there was something contained in the letter, which seemed to protest against the justice of the proceedings of the house upon this head, on the ground that the evidence examined before it was not under those particular sanctions which the law required in other cases. So far from this being the fact, all he understood by the letter was no more than this, that his royal highness, supposing himself to be attacked in such a manner as to make it necessary to go into an inquiry, in order that the whole should be elicited in the most open mode, and finding that the evidence was closed, intended to lay before the house an allegation of his innocence; and if the house should, after that allegation, be inclined to doubt his innocence, he states, that he hoped the house will not enter upon any proceeding which may have the effect of condemning him before he can have a trial, in which he will have the advantage of evidence under all the sanctions and solemnity of the law. He was certain that his royal highness had not the smallest intention to attack the privileges of the house; and how the letter could be conceived an attack on them, he (Mr. Perceval) could not conceive. The letter was now become a document on the table, and, like any other paper or petition which was ordered to lie there, might be referred to by every member of the house; and every individual who might refer to it, might make what re-

marks on it he pleased, or adopt any proceeding relative to it which he thought necessary.

Lord H. Petty thought the question of such extraordinary importance as to require the particular attention of the house, being, in his opinion, a direct attack on its privileges. He had not understood his honourable friend to object to the letter, in as far as it contained an allegation of innocence, but in going beyond that allegation. It was subject to the obvious meaning or opinion, that no declaration could be come to by that house on the evidence laid before it, but such as would carry it out of the province of the house; and when the word "condemned" was considered, it was to be inferred that the house ought not to determine on the evidence laid before it, which was the only evidence that it could receive. He therefore thought, with his honourable friend, that the house had, by the vote of last night, permitted a letter to be put on the table which was an attack on their privileges.

Feb. 28. Mr. Wynne stated, that in consequence of what passed in the house on Friday last, he thought the subject which had been then alluded to was of a nature that required that parliament should express its opinion upon it. He rather wished that the business should have been taken up by some man of greater experience. He, however, felt so strongly convinced of the necessity of some resolution, that he should, without losing any time, give notice, that it was his intention to move a resolution, "that it was consistent with the duty and privileges of that house, to come to a determination on evidence examined at their bar, without submitting the case to any other tribunal."

tribunal." Although this question had no necessary bearing upon the subject which was to be discussed next week, yet as it might have a collateral and indirect bearing, he wished to defer moving that resolution, until the house should come to a decision on the question. He hoped the great importance of the subject would excuse him to the house, for giving this notice in a more detailed form than was usual.

After this the subject was not resumed till Wednesday, March, 8, when

Mr. Wardle rose, and having complimented the ministers, sir Francis Burdett, and lord Folkestone, he said there was nothing for which he rejoiced so much, as at the manner in which his royal highness the duke of York had been defended. That he should have been defended by his majesty's ministers, and the law-officers of the crown, was a source of satisfaction to him; because it would convince the public, that nothing had been left undone in the defence, which could have been done to render it effectual. There was one consideration, which he trusted that house would not be insensible to, namely, that whatever might be due to the superior rank of his royal highness, they should, as representatives of the people, always bear in mind that it was their duty to maintain their rights as servants of the public. This he was persuaded the result of the inquiry would evince and justify. On the strength, therefore, and the weight, and force and justice of the case, he would rely for that result, as he had hitherto relied throughout the whole of the business; and without detaining the house any longer with preliminary observations, he should proceed to offer what he had to say upon the parts of the

evidence to which he proposed to call the attention of the house. Here the honourable gentleman entered into an elaborate examination of the evidence, and, having gone through the whole, he said he should conclude by moving an address, which contained his sentiments upon the course the house had now to pursue. He felt that to the utmost of his power, and to the best of his judgement, he had discharged the duty which he had undertaken to perform. The country would now be able to decide upon the charges he had brought against the commander-in-chief; and to that decision, as far as it related to him, he should most willingly submit. The house should also recollect, that their conduct would be judged by the country at large. Having made these observations, he concluded by moving an address to the following effect: "That an humble address be presented to his majesty, humbly stating, that information had been communicated to them, and that evidence had been examined to prove, that various corrupt practices and abuses had for a long time existed in the different departments of the military administration; and that the evidence which had been given had been entered on the records of parliament; that his majesty's faithful commons had most carefully examined the evidence not only of the witnesses produced at their bar, but also of the written and official documents: and that it was with the utmost concern and astonishment that they felt themselves obliged to state, that the result of their diligent and laborious inquiry was such as to satisfy them, that the existence of those corrupt practices, to a very great extent, was fully established: that they were

restrained by motives of personal respect and attachment from laying before his majesty a detailed account of those corruptions and abuses, which could not fail to produce the greatest grief and indignation in his royal breast: that without entering into such detail, they must humbly represent to his majesty, that if ever the opinion should prevail in the army, that promotion was to be obtained in any other way except by merit and services, such an opinion must tend materially to wound the feelings and abate the zeal of the army, and to do it essential injury: that it was the opinion of his majesty's faithful commons, that such abuses could not have existed to such an extent for so long a time, without the knowledge of the commander-in-chief; but if, contrary to all probability, it should be presumed, that the commander-in-chief was ignorant of these transactions, which prevailed to such an extent, and for so long a time, that presumption would not warrant the conclusion, that it was consistent with prudence that the command of the army should remain any longer in his hands. His majesty's faithful commons, therefore, begged leave humbly to submit to his majesty, that the duke of York ought to be deprived of the command of the army."

Lord Folkestone seconded the motion.

Mr. Burton, after apologizing for obtruding himself so early, through the apprehension of being too much exhausted at a later hour, proceeded, in a very able speech, to show that Mrs. Clarke was wholly unworthy of credit, and that there was no evidence upon which a person could possibly be convicted. He concluded with

saying that "notwithstanding the want of a scintilla of evidence against the duke of York, yet it is presumed that he was conscious of the corrupt proceedings, because by such alone Mrs. Clarke could have been enabled to carry on her expensive establishment. But surely it must be well known to many that persons of high birth, and not in the habit of comparing income with expenditure, find it most difficult to render the one conformable to the other, or indeed to form any judgment upon these matters. It happens, in fact, that I remember to have been told near 40 years ago, by one of the preceptors of the duke of York and his royal brother, that though they were quick at learning, though it was easy to teach them Latin, or Greek, or arithmetic, they could not teach them the value of money. So impossible is it to inculcate this knowledge without the daily and ordinary means of practical experience! Besides this, undoubtedly very large sums were supplied by the duke of York: upwards of 5000*l.* in notes, and in payments to tradesmen for wine, furniture, and a variety of articles, to the amount in the whole of between 16 and 17,000*l.* and all within the space of little more than two years. Consider likewise the extent of Mrs. Clarke's debts. If you once suppose the existence of the conspiracy, and that the duke was a party to it, how is it probable that there should have been any distress for money, when there was a mill for making it constantly at work? There were then in the army as many as 10, or 11,000 officers. Numerous changes were going on every day in the year; and such is always the eagerness for promotion, that there never could exist a deficiency of persons

persons ready to give ample premiums above the regulated price. Where then would have been the difficulty, through the management of such a woman as Mrs. Clarke, with her subordinate agents, to gratify her vanity and extravagance to the utmost, and to relieve her from the pressure of her pecuniary embarrassments?

Another presumption in favour of the duke fairly arises out of the manner in which he entered into the investigation of Mrs. Clarke's conduct. For this purpose he employed Mr. Lowten, a gentleman of well known character for professional abilities; and though the result of his inquiry seems to have related only to credit which Mrs. Clarke had obtained from tradesmen by an improper use of the duke's name, yet can it be supposed that if the duke was really conscious of any foul practices which might naturally come to light in the course of this investigation, he would not have stifled the inquiry at the outset, rather than commit it to a person of so much acuteness and assiduity, and expose himself thereby to immediate detection? Above all, if so conscious, would he have ventured to discard Mrs. Clarke, to withdraw her annuity, to irritate her to the utmost, and to set all her threats at defiance?

It is another, and an obvious ground of presumption, that if the commander-in-chief had been any way disposed to corrupt practices, he would himself have been surrounded by corrupt agents; but had he not, on the contrary, fenced himself round, as it were, against the acts of designing men by such characters as general Brownrigg, colonel Lorraine, and the rest of his staff, too well known to need enumeration? Let gentlemen re-

flect upon the high honour and integrity of colonel Gordon, and the intimate confidence reposed in him by his royal highness, and let me entreat them to remark the particular time when this gentleman, the avowed enemy of army-brokers, was appointed his secretary, and chosen, I may say, to be his bosom friend and the observer of all his actions. It was in the middle of the year 1804, shortly after the very period at which the duke is charged with having commenced his nefarious traffic. Let me ask then whether this is reconcileable to any principle of human conduct? and whether, if the duke's views had been dishonourable, or had required concealment, he would ever have selected such an adviser, or would, particularly at that moment, have placed this upright and watchful guard so near his person?

I fear that I have omitted several points; but my endeavour has been to investigate this case without favour or affection, exactly as I would have done that of the meanest individual brought before me in my own court. It may perhaps be imputed to me that I have some wish to conciliate the favour of the crown. Against such imputations I can only say, that if gentlemen will consider my years, and my peculiar circumstances, I believe they will find very few who have so little to hope, and so little to fear, on this side the grave. It is indeed beyond it that I have been looking. It is to that tribunal before which we must all account for our actions here; and with that awful scene in contemplation, I am prepared to pronounce my sincere opinion, that there is no ground for any of the charges.

Allow me to add a very few words upon the address which has

been just moved. It appears to me to be cruel and unjust, and inconsistent with the dignity of parliament. The address states (if I caught it correctly) that many corrupt practices had been proved, but without ascribing to the duke of York, positively and with certainty, any participation in these practices, or any knowledge of them; yet the deduction it seems to draw is, that he ought to be removed from his office: and still the house seems to decide nothing, but rather to leave it to the consideration of his majesty. Now it appears to me to be cruel and unjust, forasmuch as it leaves the person accused in needless suspense; and, besides being unsupported by the evidence, it does not even profess to ascertain the nature or the degree of guilt imputable to him; nor, if a majority should agree to the address, how many may do so for one reason, and how many for another, quite different and nearly the reverse. In my mind it is also inconsistent with the dignity of parliament, because it throws upon his majesty the hard task of deciding for himself what ought to be done, instead of pursuing the inquiry to its proper determination: and it thereby acknowledges that this house is either unable or unwilling to fulfil one of its most important duties. Disapproving, however, of this address as much as I do, I am by no means inclined to assert that the immoral connexion which has led to so many unhappy consequences ought to pass wholly unnoticed: on the contrary, the occasion seems to require some expression of regret that the commander-in-chief should have deviated so widely from those habits of domestic virtue, of which his royal

parent has furnished, to the blessing of this country, so bright an example."

Mr. Curwen, after a speech of some length and much point, gave his cordial assent to the motion.

The chancellor of the exchequer said, that he wished to have offered himself to the attention of the house as soon as the honourable gentleman had concluded his motion, had he not observed his honourable and learned friend rise to offer his sentiments on the subject; and he felt that, from his character, his talents, and his years, he was entitled to the previous attention of the house; and he was very glad he had so given way, as otherwise the fatigue and other inconveniences attendant on a further delay of hearing him, might have prevented the house from receiving the benefit of one of the most able, important, and interesting speeches which had ever been delivered in it. He wished, however, as early as possible, to bring the house to what was the real ground of the question before them. The house would recollect, that when the charges were brought forward against the duke of York by the honourable gentleman, he stated that he would undertake to prove that his royal highness had been guilty of direct and base corruption. On that ground the house had agreed to the inquiry, and on that ground it was the duty of the house to pronounce the judgement directly on that charge, of Guilty or Not Guilty; it was absolutely necessary they should not fight shy on the subject. The honourable gentleman who spoke last had stated, that if there were corruptions, they should not shut their eyes against them. He agreed to this: it was the duty of the house

to hunt them out wherever they were to be found, and consign them to the infamy they merited. It was hard to say that, because his royal highness had received intimation that French's levy would cost the country 150*l.* a man, and had continued it for three months afterwards, that he had therefore been influenced by corrupt motives—he, who had for sixteen years served the country at the head of the army, who had improved its discipline, and made it what it then was. It was extremely hard and unfair that the house should, by agreeing to the proposed motion, address his majesty to remove him from the situation he then held, without first coming to a resolution of Guilty, or Not Guilty, of the offences with which he had been charged. He begged the house to recollect who it was they would endeavour to turn out,—almost the first subject in the kingdom,—and he hoped they would pause before they committed an act that would disgrace the house of commons. He was sorry to observe that the generous, open, candid, and manly feelings of the honourable gentleman who brought forward the charges, had been led away, so as to be prevailed on by the advice of cooler heads than his, and persons who meant more than he did, to fritter them down in the way that had been done by the motion of that night. He could not be supposed desirous of going out of his way to compliment the honourable gentleman; but, as the present motion was so very different from what he had given reason to suppose he would bring forward, in consequence of the direct charges he had made, he felt it to be his duty to propose to the house, to say directly and

distinctly, whether the duke of York had been guilty of the corruption or connivance of which he had been accused, and for that purpose would tender an amendment or resolution, on which the house might determine that question. His first impression certainly was, that it was a mischievous encouragement to hold out that there were grounds of a charge of corruption, merely because it appeared as the accusation of pamphlets. It was, however, humiliating to suppose, that the duke of York would, for the sake of such considerations as had been mentioned, conspire against the public, and that for the support of an expensive and adulterous intercourse. He never could believe it, and was convinced the royal personage alluded to was as clear as he was. He could not, however, consent to the present mode. If the charge could really be substantiated, the proper mode would be to carry up their accusation to the bar of the house of lords at once, and proceed to an impeachment. It would be severe indeed, to cast upon his majesty a task which the commons themselves would not undertake to perform. There were, he thought, two courses for the house to pursue; first, to see whether the charges were proved; and then to inquire what mode they ought to adopt in consequence. The one question was a judicial, the other a discretionary one. Now, as to the grand point of guilt, this could only be ascertained from the evidence: if Mrs. Clarke was believed, there could be no doubt upon the subject; it was proved with every aggravation, even that of original sin; for she had deposed that her intentions were never once pointed at corruption, until the

duke told her she had greater influence than the queen, and that if she was clever she would never ask him for money. This circumstance he wished the house to keep in view, particularly as Mrs. Clarke had herself lost sight of it. She had confessed that she asked the duke for money after this, although she, according to her first account, had commissions at her disposal. Now what degree of credibility could possibly be attached to her? She was in the first place an *accomplice*, and therefore her testimony required corroboration: he could not help saying, that, considering her character, story, and total conduct, he never saw a witness to whose veracity he would not be more inclined to lean. Here the right honourable gentleman expatiated on all the evidence; and he trusted that it would appear perfectly clear, that such a case, under such circumstances, and upon such charges, required of the house to come to some decision, aye or no, upon the guilt or innocence of the illustrious object of these charges. After that determination, it would be for the house to consider, whether it would not adopt the resolution which he would have the honour to submit. He then moved, that the original address should be omitted, and that the following resolutions should be substituted:

“That certain charges having been brought forward, imputing to his royal highness the duke of York, acts of criminal misconduct and corrupt connivance at abuses, in his capacity as commander-in-chief, the house felt it a duty to refer such charges to the inquiry of a committee of the whole house, to examine evidence thereon, and report the same.

“That it was the opinion of the

house, upon the fullest consideration of all the evidence reported to them by the said committee, that there was no just ground to charge his royal highness with personal corruption or criminal connivance at such abuses, in his capacity of commander-in-chief.”

If the house would agree with him in these resolutions, he should then propose an address to his majesty, including these resolutions, instead of the address requesting his majesty to remove his royal highness from his office as commander-in-chief, for his eminent services to his country, and the important regulations and high state of discipline attained by the army under the auspices of his royal highness; for he believed in his conscience, that if his royal highness was removed from his command, there would not be found in the country a man of adequate abilities to discharge its important duties. The address he proposed should state to his majesty, that in consequence of such charges being made against the duke of York, his faithful commons had felt it their duty to inquire, in the most solemn manner, into the truth or falsehood thereof; and that after the fullest inquiry, his faithful commons had come to those resolutions, which they beg leave to lay at the foot of the throne, to relieve his majesty's mind from the anxiety and solicitude unavoidably excited for the honour and character of a son so dear to his majesty in the high capacity of commander-in-chief of his majesty's armies. His faithful commons, sensible of the many important regulations instituted under the auspices of his royal highness, to prevent abuses in the army, could not but extremely regret that a connexion should ever have existed

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existed under which such transactions should have taken place, as expose his royal highness's name to be coupled with acts so highly dishonourable and criminal; and professing their hope, that after the strong regret already expressed by his royal highness, his conduct would, in future, be guided by the bright example of those virtues which have uniformly distinguished his majesty's life, and has justly endeared his majesty to all his subjects.

March 9. Mr. Whitbread having, in a long and eloquent speech, examined the whole merits of the case: concluded,

"There was one more transaction on which he wished to make a few observations; it was that of Mr. Elderton. In this case Mrs. Clarke seemed to have acted in a very feeling way, and perhaps had done it gratuitously. And in looking at these transactions, he never meant to say or to insinuate that the duke of York had put money in his own pocket; he had always considered him as far superior to any such base and grovelling motives: he considered always, that if he had done any such thing, it had been as a favour to his mistress. Mrs. Clarke had fairly and clearly shown how she had effected it. She mentioned it to his royal highness, who promised her it should be done. He told Mr. Greenwood "one Mr. Elderton will call upon you for a paymastership"—*verbum sat*—it is done. Mr. Greenwood could do no other than let him have it; and he candidly told the house that Mr. Elderton had been appointed. His gratitude prompted him to write the letter of thanks. Mrs. Clarke never knew the letter of Mr. Elderton was in existence—it came from Nicholls's magazine at Hampstead, and she

imagined it had been burned, and had no idea that, by his basely neglecting to do so, it would be produced on this occasion in aid and support of her evidence, which the right honourable gentleman was so desirous to discredit and overturn. There was one more case, that of Kennet, but he would not trespass on the time of the house by dwelling on it. The right honourable gentleman had, both in the outset of this business and towards its conclusion, talked of conspiracies. It might do very well at the beginning, but how in the conclusion he could dwell upon conspiracies somewhat surprised him. After it had been shown that the conspirators were all in different stories, how was it to be carried on? Mrs. Clarke fairly and candidly tells her story, and mentions Sandon, French, and Donovan, as the persons who first applied to her for the purpose of opening a traffic in promotions, exchanges, &c. When these gentlemen are called upon, instead of appearing to be in a conspiracy with Mrs. Clarke, they seemed to be in one against her. Mr. Donovan gave a most reluctant evidence, and was guilty, on the first day's examination, of the most barefaced prevarication. Mr. Huxley Sandon had done the same, and always said he thought Mrs. Clarke had not the interest she had boasted, though he had paid so handsomely at different periods to obtain it. The right honourable gentleman then asks, But might not a number of conspirators combine against one? She could not conspire with them, for Dowler was in Portugal; Sandon was in Spain; all of whom arrived, providentially as it were, to prove, in various ways, that there had been no conspiracy between them and Mrs. Clarke,

Clarke, nor between them and his honourable friend: so far from it, Sandon, by his intended conspiracy against them, and against the ends of justice, had, in the hands of Providence, been the means of the production of those letters which had irrefragably proved the truth of Mrs. Clarke's testimony, and disclosed the whole of the facts of the transactions of which his royal highness had been charged with having a knowledge, at a moment when she could have no sort of control over them, and, in truth; was ignorant they were in existence. His honourable friend had been told, in the outset of this inquiry, that infamy must attach somewhere; and where had it fallen? It was for the house to determine that question: for his part, he was bold to say, that no infamy attached to his honourable friend, from his conduct in the business; but, on the contrary, he thought that house and the whole country were highly indebted to his spirit and patriotism, for having brought forward those charges. A conspiracy had been talked of; who, he demanded, were the conspirators? The Jacobins—Yes, and in Gloucester-place did the Genius of Jacobinism preside—there were his midnight revels held, and there sat the duke of York himself as chairman of the festive board. There was the nest in which he was nourished, and such was the situation from which his honourable friend had endeavoured to rescue him. The Genius of Jacobinism holds his habitation as much in the dwelling of the prince as of the peasant—as frequently in the palace as in the cottage; and it was from the palace, if they would live in safety, they must first expel him. “Who, then (said Mr.

Whitbread), is the true Anti-Jacobin? Not the report which goes forth, and defeats its end by its falsity—not the publication which plainly evinces its prejudice by its asperity. No; my honourable friend is the true Anti-Jacobin; he stands forward in the cause of royalty, because in the cause of truth, and becomes the best defender of the state, because endeavouring to free it from corruption. Jacobinism ‘makes the food it feeds on;’ it hangs upon a prince’s follies, that it may turn them into vices, and even aims its venom at this assembly, which will, I trust, by doing its duty, defeat the vile design.” The house would do a good office by the country—it would act nobly by the duke himself; and he trusted, if, as in the scale of human probability he might, that illustrious personage should ever mount the throne of England, the people would see the consequences of their chastisement in his reform. He had dug a trench around himself, into which, unless cautious, he must fall. Why had he written such a letter to the house? I speak not (continued Mr. Whitbread) of its trenching upon our privileges; but why did he reduce us to the melancholy situation of crediting the evidence we have heard, even against *the honour of a prince?*—The honour of a prince! Alas! we must all come to that fatal period, when death, which knows no distinction, will class the prince with the peasant! And yet let us even turn to that awful spectacle, and shall we not find the wretch with a rope about his neck, protesting that innocence which he knows he is not possessed of? Protestations, then, I never will heed—in this case I hear of them with horror!” It had been said,

said, that public virtue was now conspicuous. He admitted, that the desire of gain did not now entice men from their duty so frequently as it had; and why? because exposure had taught them caution; because the appointment of salutary committees had unmasked corruption, and held peculation up to public view. The house had an instance, very lately, in which even its power could not shield a delinquent from condemnation. Did not the very books on the table produce a signal example to the house? Let it reform. Let it profit by its experience. He had heard of calumny and libel; aye, and prosecutions too. He wished such prosecutions to have an end, if their only crime was a belief in abuses which had here been proved. Let the house but do its duty, and the cause in which they originated was gone. He hoped, however, if such prosecutions were pursued, both sides of the question would be viewed, and such productions as the "Plain Statement," which would constitute the duke of York a sort of "*imperium in imperio*," not forgotten. But he turned to this momentous question, before which Bonaparte and his victories were but flea-bites; he besought the house, in the name of every thing sacred, to do its duty. "The plague (said he) is gone abroad—let us offer up the incense—let us stand between the dead and the living ere the disease spreads, and corruption riots amid the ruins of our constitution."

The attorney general said, that, as the honourable gentleman had addressed some observations to him, he hoped he might be allowed to make a few observations in his turn to that honourable gentleman. That honourable gentleman had said,

that he would not for the world attempt to gain the vote of any man, unless from his conviction. But he well knew what authority he possessed in that house, and it seemed to be his own conviction which he endeavoured to impress upon the minds of others. The present question divided itself into two, and upon a proper separation of these two distinct questions must rest the fate of the addresses that have been moved. These questions were: 1st, Whether the corruptions complained of existed or not?—2dly, Whether the duke of York, if they existed, was privy to them? The honourable gentleman observed that the duke of York, in the eyes of justice, should not be more considered than the lowest subject.—Granted: but then let not the honourable gentleman deny to his royal highness what is allowed to the meanest subject. The learned gentleman then proceeded through the examination of all the cases; he convicted Mrs. Clarke of contradiction, and exposed the arts which she put in practice to gain money, by inducing a belief that she had great influence over the duke, while in no one instance can it be proved that his royal highness was ever acquainted with any of her stratagems, much less that he had ever participated in the fruits of her impositions. Viewing the charges in that light, and thoroughly convinced of the innocence of the duke of York, he felt himself bound to vote for the amendment of his right honourable friend.

March 10. Mr. Banks made a very candid speech as introductory to a motion: he said, though it was not the object of the amendments which he would propose, to prove any personal corruption in the duke of York, yet it was not impos-

impossible to suspect its existence in a considerable degree. There were many melancholy confirmations of it. The case of French's levy strongly proved the general intercourse which was so highly discreditable to the commander-in-chief. The letter of Dr. O'Meara was another case. Why should that foolish and ambitious man apply to Mrs. Clarke, if he were not convinced that she possessed the influence which was necessary to the accomplishment of his views? This case, he would say, entirely contradicted the line of demarcation established by the right honourable gentleman, on the supposition that the duke avoided all conversation with Mrs. Clarke on affairs of that nature. It was absolutely impossible that such concerns should escape her knowledge, from the habit of unreserved communication with which he treated her. It would not be proper, he conceived, to propose any criminal proceedings. But it would be the part of justice to his royal highness, and to the country in general, that the house should state its opinions on the subject to his majesty, as the father of his country, and an affectionate parent. He felt amazed that the constant application of Mrs. Clarke to the duke did not create some doubts and suspicions in his royal mind. In the correspondence between her and Sandon, she spoke of a mutual jealousy entertained between her and Greenwood and Gordon; she wished that Sandon would burn all her letters; and expressed her fears that the cleverness of Greenwood's clerks should detect the transactions in which she was concerned; yet, throughout, it seemed she had felt no apprehension from being seen with Sandon. This proved that

there was a reserve between the commander-in-chief and Mrs. Clarke on the communications with Sandon. That house, the hon. member stated, was not only the guardian of the country's liberties, but also the guardian of public morals. (*Hear, hear!*) Was it possible, from the evidence which had been unveiled to the house, to entertain any doubts of the public scandal which had been given by the conduct of his royal highness? Were the present case dismissed without its merited comment, he should say there were just reasons for inveighing against the morals of the country. He considered that the substantive part of the address for his majesty should be coupled with a suspicion that his royal highness must have had some knowledge of the corrupt practices which had existed. And he further felt that the house would only be discharging an imperative duty, in stating to his majesty their conviction that the present commander-in-chief would not any longer remain an useful servant of the country.—(*Hear, hear!*) Such a proceeding would be rendered necessary, in order to do away the scandal which had arisen in the face of the public. At the same time it may be necessary to say, that the existence of such a connexion as led to those events was sincerely lamented by the house. He would ask of any gentlemen, whether it ought to be conceived that their proceedings should be the echo of a letter? (*Loud cries of Hear, hear!*) —If there were no other reasons to induce the house to the adoption of such a line of conduct as he proposed it would be sufficient of itself. To follow any other line would look like humble obedience to the instructions of that letter, which

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was received under such extraordinary circumstances. What he proposed to their consideration proceeded, he trusted, from a pure and honest source.—In the proposition which he was about to submit to the house, he knew that he was by no means singular in opinion. He had found, in conversation, that his views of the subject were similar to those of many of his friends. He concluded by moving an amendment to the following effect :—

“That an humble address be presented to his majesty, stating to his majesty, that information had been communicated to the house, of various corrupt practices and abuses prevailing in the administration of the army, with respect to the disposal of commissions and appointments, into which the house had examined, and felt themselves obliged to acquaint his majesty, that the result of that inquiry was a conviction, that such corrupt practices and abuses had unquestionably existed. To assure his majesty of the high satisfaction which they had experienced in finding no grounds to charge the commander-in-chief with personal corruption, or criminal connivance, in those practices; but at the same time to observe, that while the house were anxious to do justice to the advantages which the army had derived from the superintendence of his royal highness, and more particularly to the salutary regulations which he had introduced (some of which were directed against the very practices complained of), they were obliged to express their opinion to his majesty, that abuses could scarcely have existed to the extent to which they were proved to have existed, without exciting some suspicion in the

mind of the commander-in-chief. To submit to his majesty, that, if even that circumstance were left out of the consideration, their opinion was, that the command of the army could no longer with propriety or prudence remain in the hands of his royal highness; the recent inquiry having unveiled a course of conduct tending to set the worst example, in the highest degree injurious to the cause of morals and religion, and which, if not discountenanced, must injure those sources of the tranquillity and happiness of the country.”

Mr. Yorke defended the commander-in-chief in a very able speech, as did Mr. Leach. Lord Folkestone spoke on the other side. Mr. W. Smith spoke in favour of Mr. Bankes's amendment.

Mar. 13. The secretary at war rose, and said that it had been made out, to the satisfaction of the majority of the house, that no reliance whatever was to be placed on the testimony of Mrs. Clarke. (*No, no, no!—Hear, hear, hear!*) The right honourable secretary replied, that, in the material part of her testimony, as to her communication with his royal highness the duke of York, her evidence was to be wholly laid out of the question. The right honourable secretary then proceeded to go through the several cases, and to argue, first, that if Mrs. Clarke had any influence with the duke of York, his royal highness did not know of it; and secondly, that she had no such influence. He concluded with a high eulogium on the duke's services to the army, for whose present high state it was solely indebted to his royal highness.

Sir Francis Burdett said, that after the able and ample statement of the evidence which the house

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had so often heard on this subject, it certainly could not be his intention to detain them by its further detail. All that was left for him to do was to draw his deductions, make his comments, and show the effect which it had on his mind in forming his decision. It was a little extraordinary to observe the chancellor of the exchequer, the attorney-general, and, in fact, the whole legal phalanx of the house, whose constant and practical habit was accusation, now ranged, as if *unâ voce*, on the side of the accused. He could not but observe the wonderful bias which their minds seemed to have taken, the surprising proneness to conviction, all on one side! Much had they displayed of professional acuteness, and many had been their animadversions on the conduct of his honourable friend (Mr. Wardle). One of them had represented him as putting his little skiff upon a large and boisterous ocean. He had, however, steered his voyage by the polar star of truth, and there was little doubt it would have a happy period. (*Hear, hear!*) Another member had insinuated that infamy must attach somewhere. After their long and anxious sitting, after their protracted debates, and their minute examination of evidence, he would ask, could any infamy attach to his honourable friend? (*Loud cries of No, no!*) Where, then, should it fall but on the head of him with whom the imputation had originated? As to the speech and opinions of the chancellor of the exchequer, they were so sophistical and uncandid—so full of manifest prejudice and bias, that they rather appeared the statement of an advocate than a judge, and, even considering them those of an advocate, were injudi-

cious from the openness of their partiality. What! when any man ventured to assert it as his impression that Mrs. Clarke had no influence over the duke of York, was it not a mild epithet to say he had prejudged the cause, or was blinded in his judgement of it? There were some minds, it seemed, who could not, in the glare of sunshine, see the plainest objects, but whose vision was most accurate even in the darkness of midnight. Every trifle against Mrs. Clarke's veracity was instantly taken hold of, but her most seriously corroborated statements were utterly disregarded. But it was in vain to attempt an invalidation of her testimony. "She came (said sir Francis) to the bar of this house with the most hostile sentiments against her: she was examined as to all the history of her life, its most minute transactions, from the cradle to the present moment; as she proceeded the growing conviction of the house was sensibly apparent; and when she retired there was not a being among us, so sceptical as to doubt her truth, or imagine that any human ingenuity could have fabricated such a mass of circumstances, so well connected, and so borne out by documents." (*Hear, hear, hear!*) Nothing but the simplicity of fact could have supported her amid such a trial—against all the lawyers, who, endeavouring to entrap her, were themselves defeated; even his majesty's own attorney-general was foiled. The hon. baronet here made some comments on the several parts of the evidence: "But (said he), how did the duke of York behave to Mrs. Clarke? she for whom he expressed such fondness; and yet she whom he kicked from him as he would his shoe! Why, it makes one's blood run cold but to think

think on it! to think of his trying to render infamous the woman for whom he had expressed such love!—to think of the message which he had the hardihood to send her!—a message, too, which must have been true, because the duke's partisans had it in their power to call the messenger (Taylor, the shoemaker,) to the bar to deny it; and yet they did not. Why, what a picture did this woman present to us, even when contrasted with the 'honour of a prince!' Alas, what a melancholy comparison! She demanding her annuity only to pay the debts she had contracted under his protection; and he refusing even that paltry pittance, because she did not produce his bond for it! There (said sir Francis), there is 'the honour of a prince' for you!" (*Loud cries of Hear, hear!*) He could not tell how the honour of a prince differed from that of a private gentleman; but he confessed, according to the specimen of the one which had here been held out, he never could compare them. There never was a more important question than this, since the question excluding the duke of York from the succession in the reign of Charles the Second. It was a question of justice; a question which came home to the breast of every man in England. The honour of a prince could not lead him from it; he must consider the honour of a king, the fountain of justice, whose streams should flow pure and unpolluted. "What! will any man now say, the duke of York is a fit man to stand at the head of the British army? Surely none. (*Hear! hear!*) Could he, like the Roman Scipio, turn to his soldiers, telling them to follow him to the temple of the gods? Oh, no! He ap-

pears to the nation like the ghost of Banquo, disfigured by a thousand gashes." He would vote, then, in the cause of justice, and as his unprejudiced mind dictated. He was not warped by the desires of popularity, and he could not help thinking the caution unnecessary which warned the house not to be too much led by popular opinion; its decisions were very seldom unduly influenced by such a cause. The people of England were lovers of justice, and he would support the cause, uninfluenced by any undue consideration whatever.

The master of the rolls observed, that he had hitherto refrained from offering himself to the house, because he was anxious to have the evidence considered by other honourable members before he mentioned the impression it made on his mind. Whatever gentlemen might state respecting an impartial decision on the question, it was impossible that any man sitting there as a judge should not have an opinion on the case. Many persons who took up the subject with extreme zeal on one side, would conceive themselves perfectly right, and maintain that they acted from conviction. This kind of conviction put him in mind of an expression of Dr. Johnson's, speaking of some gentleman who had very hastily and erroneously, as he thought, come to a conclusion on a popular subject, "Aye, says he, he is convinced, but then this conviction is not honestly come by." This observation appeared to him to be very applicable to some of the arguments that he had heard from the other side of the house. Their conclusions or conviction were not founded on the evidence that was before the house. It was certainly desirable that this ques-

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tion should be decided on fair and equitable grounds. He trusted, herefore, that the house would come with a manly and erect mind to the decision; unbiased by popular ferment, and unawed by power. There seemed to him to be two principles involved in the question before the house: first, whether they should come to any decision on the subject; next, what that decision should be. The second would necessarily branch itself into a number of others, respecting the competence and credibility of evidence, and various other points. If the duke should be found guilty of the charges brought against him, then the house was to determine whether they should send him to trial; if not, whether the amendment last proposed should be adopted (for that amendment, let it be recollected, went to absolve his royal highness of all personal corruption or corrupt participation), and the house come to a resolution that it was not proper that he should continue longer at the head of the army. He could conceive a case of inquiry where the house might not be called upon to give an opinion; but he could conceive none where they might be called upon to pronounce an ambiguous opinion. The amendment proposed appeared to him likely to involve them in a dilemma of this nature. He agreed with the honourable baronet in his ideas of corruption, which did not imply the mere personal receipt of money, exclusive of other considerations. It was not necessary, in order to substantiate these charges, to prove that the duke had received money with his own hands. If it could be made appear that he connived at the receipt of it by Mrs. Clarke or any one else,

the accusation was brought home to him. This was a question to be decided entirely by the credibility of evidence; and he doubted whether the result of any inquiry before the house ever turned upon such a point. It was impossible that the house, in its judicial capacity, could decide upon the character and interests, he would not say of the duke of York, but of the meanest man in the land, upon such evidence as they had heard at their bar. He lamented the immorality of the connexion in which his royal highness had so indiscreetly engaged, and he agreed with his learned friend (Mr. Burton) that it merited the censure of the house. But he was not aware of any established law in this country (it was different, however, in others) which authorized the making this the ground of a criminal proceeding. It was not an offence cognizable by the laws of the land. If, indeed, it tended to offend public decorum, or was inconsistent with the situation filled by his royal highness or any other servant of the state, there the law had a right to lay hold of him. He was confident that the house would weigh all the circumstances of the case maturely and conscientiously, and he was persuaded they would come to that decision which would satisfy the country.

Sir Samuel Romilly said it was impossible for him, upon comparing these parts of the evidence—upon calling to mind the character, conduct, and demeanour of the witnesses who had been examined at the bar in the progress of this business—upon weighing all the circumstances both of their testimonies and their bearing upon the question under investigation—upon such a general view of the subject,
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it was impossible for him to assent to the proposition of his right honourable friend (the chancellor of the exchequer). That proposition went to call upon the house to vote, what in his conscience he could not assent to, namely, that there was no ground of charge against his royal highness the duke of York, on the score of corruption, or connivance at corruption. But before he made any observations upon that proposition, or stated the reasons why he could not concur in it, he begged to say a few words upon the subject of the original address, which had been moved by the honourable member (Mr. Wardle) who had instituted the proceeding in that house. That address contained a prayer to his majesty, that he would be graciously pleased to remove the duke of York from the command of the army. To that an amendment had been moved by his right honourable friend (the chancellor of the exchequer), substituting two resolutions for the address; the first of which called upon the house to decide upon the guilt or innocence of the duke of York, and the next resolution affirmed that there was no ground of charge of corruption or connivance against his royal highness. To this amendment another amendment had since been moved, to leave out the whole of his right honourable friend's amendment, in order to substitute for it another address, having the same objects as the former one, though not proceeding upon the same grounds, but praying for the removal of the duke of York from the command of the army. That was the state of the question, and upon all the consideration which he could give the subject, his opinion was, that the amendments ought to be negatived, and the ori-

ginal address adopted. As to the question whether they ought to address his majesty to remove the duke of York from his command, he should say that he could not conceive a case in which the house of commons could address for the removal of a public servant from his situation, if not upon the evidence which they had then before them. For himself, he wished to state shortly the ground on which his vote was founded. The question then before the house was not whether his royal highness was or was not guilty. No such question had been submitted to their decision. No choice had been given to the house. The amendment of his right honourable friend gave the opportunity only of pronouncing that his royal highness was not guilty. But the real question was, whether the house could say that there was no ground of charge against the duke of York. It was a painful duty to declare his opinion; but, painful as it was, he could not but add, that he could not say there was no ground of charge, or that he disbelieved all the evidence which had been produced. He knew that strong objections had been urged against the credibility of the testimony; but he had considered it all diligently; he had endeavoured to take into view all the arguments on both sides; and he was then prepared to state to the house the strongest points as they struck him upon the most attentive examination of the evidence. He was ready to admit that Mrs. Clarke, the principal witness, had been influenced by resentment; that she came to the bar of that house still entertaining that resentment; that she had been contradicted by witnesses of credit, and contradicted by herself; and yet he

would state some reasons why he thought her testimony to be, in the main, believed. Here the learned member touched on the several parts of the evidence with much impartiality, precision, and clearness. In speaking of the note respecting major Tonyn, he said that in his mind there could be no doubt that this note had been written by the duke of York. If he were acting as a judge under the same sanction of an oath as judges do, and to decide whether the life of a fellow-creature was to be sacrificed upon such evidence as that, he could not have the slightest hesitation in deciding. All the gentlemen well acquainted with the hand-writing of the duke of York proved it to be his hand-writing, except general Brownrigg, who, when pressed, said only that he did not believe it to be the duke's hand-writing, but that he would not swear that it was not. (*Hear, hear, hear!*) If the duke of York himself saw the note, he was sure he would be as much surprised at the sight of it as Mrs. Clarke had been, but would allow it to be his own hand-writing. All the gentlemen, too, who were experienced in the distinction of hands, and had been examined at the bar, concurred in the same testimony. But here he must beg of the house to reflect upon what it had done in calling upon such evidence to be examined at the bar. Never had evidence of this description been countenanced in a court of justice. One instance, indeed, had been stated by the noble lord under the gallery (lord Folkestone) when such evidence had been introduced into a court of justice, but then it was for the purpose of proving whether a particular paper was the hand-writing of a particular person, but never to prove that it

was not. What, he would ask, would be the consequences of such a pernicious precedent? A man need now, if that principle were to be acted upon, only produce a different paper of his own hand-writing, to vacate an instrument of his own execution, by calling such witnesses to prove the difference of the hand-writing. What and how much more mischief might not the precedent do in criminal cases? He had, when the proposition was first made for calling these gentlemen to the bar, opposed it *in limine*, and he then repented that he had not taken the sense of the house upon the question. If he had pressed his opposition to a division, he was confident that he should have had with him on the division all that numerous class of gentlemen in the house who had enjoyed a professional education. If they were to believe that Miss Taylor and Mrs. Clarke had been engaged in a conspiracy, and that Mrs. Clarke could forge the duke of York's hand-writing, let them but recollect what means they would have possessed to accomplish their diabolical purposes. This note had been sent from the Horse Guards, and Ludowick Orramin had said, that he was frequently in the habit of carrying notes from that place to Mrs. Clarke. This note was not like the letter respecting general Clavering; it was a note upon business, and imported what had been done in consequence of a note to which it was the answer. "I received your note, and Tonyn's business shall remain as it is." What could be the meaning of this note, unless that the duke had stopped the promotion of Tonyn in consequence of Mrs. Clarke's note? This circumstance was so strong, that, giving full weight to all the objections that had been urged,

urged, he could not vote that his royal highness had not been guilty of corruption, or connivance at corruption.

It had been said that the duke of York was to be considered as the meanest individual in the country; but had he been treated as the highest peer? Suppose the case to have happened to any peer of the land, who might have been commander in chief, and that the same facts had been proved against him, would not that house have addressed that he should be removed from his command? A right honourable gentleman had said that we could not punish a prince of the blood, if not determined to alter the succession. The circumstance, indeed, of the connexion between the illustrious sovereign on the throne and the object of this proceeding, rendered it impossible for them to pursue the same course as in the case of any other subject. He would be the last man to admit that that house should bend to public opinion without its walls. But high as their attachments were to the throne, he thought that nothing should be dearer to them than to maintain the character of that house. If once the opinion should prevail that the house of commons had heard of corruption existing in the state, and heard of it with indifference,—if ever such an impression should go forth, and they should lose the confidence of the people,—if they should on any occasion appear to be inattentive to the interests of their constituents, and the minds of the public should be alienated from parliament,—if ever that fatal time should arrive, no man could tell the consequences. Never had he given a vote with more reluctance than he should that night; and it would afford him the highest sa-

tisfaction, if he could conscientiously say that no grounds of charge existed against the duke of York. His honourable and learned friend (Mr. Burton) had attested the sincerity of his vote, by an affecting allusion to his infirmities and age, and the consequent impossibility that his vote should be influenced by any considerations of interest, or any views of ambition. For his own part he could say, that, though he was not labouring under the same affliction (blindness) with his honourable and learned friend, yet he looked forward both for himself and those connexions to whom he was strongly and tenderly attached, for future prosperity; and whatever might be the result of the present question, he would ever have the heartfelt satisfaction to know, that he had no advantages to expect from the vote which he should give that night. [Sir Samuel Romilly's speech concluded amidst the loudest cheerings.]

The solicitor-general rose at about one o'clock. He conceived it his bounden duty to state to the house the reasons upon which his opinion was founded. He considered that the first question was, whether the house should decide upon the guilt or innocence of his royal highness; secondly, whether the duke was guilty or not; and next, whether an address ought to be presented to his majesty. It appeared to him, that the house should come to a distinct determination respecting his guilt or innocence, and also as to the degree of guilt or innocence. The learned gentleman then argued at great length on the improbability of an illustrious prince, of such high rank, associating with such miscreants as the witnesses. If he had entered into so foul a plot, he would have

chosen some supple, bending, complying agent for his military secretary, and not such a man as colonel Gordon, who had set himself against army brokers. Very severe orders had been issued by his royal highness against army brokers about this very time, and this was a pretty strong proof that he did not then connive at those foul practices which were transacted through the medium of army brokers. Would he, in case his transactions were dishonourable, have chosen one of the most honourable men in the profession (Mr. Adam) to have instituted inquiries about the conduct of Mrs. Clarke? If the duke had been conscious of privity in those corrupt practices, he would not have ventured to have set her at defiance. If the duke of York had not a high sense of the value of honour and character, he would not have parted from Mrs. Clarke when he found her character would not bear investigation; and it was not natural to suppose that a man who at one time had so high a sense of the value of character in a woman living under his protection, should at another time think so slightly of character as to run the risk of exposure, if he had not been conscious of his innocence.

March 14. Mr. H. Martin was surprised to hear from the honourable gentleman, that the evidence before the house was not of that nature to sanction the address. Parliament, he maintained, was not to be bound by the rules received in courts of law. On this, as well as on every such occasion, he wished that they should adhere to the rules of their ancestors. How could the address or the amendment of the honourable gentleman below him be described as a sentence of condemnation? It was the high privilege of

that house to take cognizance at all times of the conduct of great public officers; and if any one doubted the fact, he would refer him to periods when the principles of the constitution were at least as well understood as they were at this day. This was the case upon the celebrated examination relating to the partition treaty, when documents and evidence were heard at the bar, and the house voted an address to his majesty to remove lord Somers and two other lords from his presence and councils. The house did what was their duty in censuring public functionaries, who had disgraced themselves. They went further, and voted an impeachment. (*Hear, hear! from the ministerial benches.*) An learned gentleman had stated that they might as well stab the duke of York to the heart, as pass a vote to remove his royal highness from the command of the army. But what was there to distinguish the case of the duke from that of any other person convicted of similar misconduct? Had lord Somers no feelings upon that occasion? Was not that great man entitled to as much deference and indulgence as his royal highness? He recognized no distinction between the duke of York and any other subject whose conduct might fall under their investigation. It was not only the right but the bounden duty of the house to act as they had done. They were not to sacrifice their privileges out of respect for this or that person. A great deal had been said of a popular cry. It was strange that objections should be taken by gentlemen at this moment to an instrument of which they had lately made so dexterous, and he feared fatal, use. The last popular cry originated within these walls. Did the persons who reasoned thus

mean to assert that it was only under that roof that the voice of the people was to be heard, and that no attention was to be paid to any cry that was raised out of doors? As to the charges of industrious misrepresentation, and popular delusion, he knew of none. They were controverted by the fact. It was only as the examination proceeded that circumstances came out which turned the current of public opinion against the duke. The evidence that was produced was sufficient to support the charges brought forward by his honourable friend, and therefore he would vote for the address proposed by him.

Many other gentlemen spoke on this day. Mr. Windham for Mr. Bankes's amendment; Mr. Coke and Mr. Calcraft for the original address; the other gentlemen in behalf of the resolutions of Mr. Perceval.

March 15. Lord Milton not approving very much of either of the addresses which had been proposed, the noble lord did not intend to burthen the house with any new motion, but should content himself with expressing his own opinion, that neither the addresses nor resolution should be made, but that the whole evidence should simply be laid before the king.

The noble lord hoped the right honourable gentleman (Mr. Canning) would now tell the house where infamy was to fall; if upon the accused, he did not know how the house would determine; if upon the accuser, he thought that no other person would agree with the right honourable gentleman.

The noble lord concluded with animadverting upon the duke of York's letter to the house, which had certainly placed them in an awkward predicament. He was

accused, and told the house he was innocent, "upon the honour of a prince," an expression never heard of before. By this foolish letter he had only brought down a second accusation upon his head—that of falsehood too. The noble lord knew not by what logic it could be otherwise reasoned: those who were convinced of the duke's guilt of corruption, must now inevitably find him guilty of two things—corruption and falsehood too.

Lord Stanley was for the original address, and Mr. Leycester was against it.

Sir Thomas Turton was consoled when he reflected on this case, by the consideration of the fairness with which it had been treated; by the consideration that all parties and persons in the house had come forward fairly, and impartially had given the opinions which went to direct their votes: for his part, had his constituents the eyes of Argus, he would wish them directed to his political career. He would say, that he could not think of voting for the original address, because it was not determinative, nor would he vote for the amendment of the honourable gentleman on the floor (Mr. Bankes) because it merely dealt in insinuation; he would boldly charge the duke of York with a knowledge of these corrupt proceedings; and when the right honourable gentleman opposite (the chancellor) moved his resolution tending to ulterior proceedings, he should certainly move the following amendment:—

"Resolved, that this house do believe his royal highness the commander in chief to have had a knowledge of these corrupt practices, of which evidence had been produced at the bar."

Mr. Ryder made a very long speech in behalf of the commander-in-chief.

Mr. Wilberforce confessed, whatever might be the shame of acknowledging it, that he had participated in the same prejudices which had been entertained by other gentlemen upon the subject of these charges. He could scarcely credit the charges; he could scarcely bring himself to consider them true; and the honourable member who had brought them forward must excuse him if, notwithstanding he allowed him credit for being actuated by a sense of duty in submitting these charges to the consideration of the house, he felt it extremely difficult to believe that they could have been founded in fact. In the view which he took of the question, it appeared to him that it was to be considered in two ways; first, whether the duke of York was guilty of the charges imputed to him, and, if he was, in what degree; and next, what was the course which as a member, and from the view he had taken of the subject, he was of opinion ought to be pursued. As to the question, whether the duke of York was guilty of corruption, or had participated in the profits arising from the corrupt practices proved in evidence, he could not help stating, that, after all that had appeared and was proved to have taken place, he could not but feel surprise that his royal highness should not have conceived some suspicion of what was going on. His royal highness undoubtedly must have known from his military friends, that army promotions had been obtained in an improper and corrupt way. These things were not done in a corner, nor in secret, nor in the dark; they were not the work of unknown and obscure indi-

viduals, but openly carried on and generally spoken of, and circulated in pamphlets, which, though they had not met his eye, had been industriously distributed amongst military men. But even supposing that a close attention to the duties of his office had prevented the commander-in-chief from coming at the knowledge of these transactions himself, yet he should have been informed by his friends, whose communications he must have received with the attention they merited. On the supposition, therefore, that, as had been proved by the evidence at the bar, the army patronage had been corruptly disposed of, and, according to the general notion, that the same corrupt interference had been extended by the duke of York's mistress to the other public departments, it was clear that his royal highness must also have known the circumstance. It was impossible that, with his education, he could have been ignorant that the mistresses of princes are in every instance the sources and the means of corruption. Here the honourable member examined the strong parts of the case, and said he could not avoid thinking, that, if the house were to pass a resolution which altogether avoided the question of corruption, it would be generally supposed by the public, that such silence proceeded merely from political motives. He thought the house should not appear to shrink from the constitutional duty which they had now to perform, and he, for his part, felt himself bound to vote for the motion of his honourable friend (Mr. Bankes), as coinciding most with his views and feelings. He certainly did, in his mind, acquit the duke of York of any real knowledge of those transactions, of any direct corruption or

participation in it; but still he could not, under the impression of the evidence, say that he could conceive that he could be utterly without suspicion on the subject. He thought, moreover, that it was also necessary to make some reparation to public morals and decency, and that the public safety required that the house should communicate to his majesty, that, in their opinion, the command of the army could be no longer with prudence confided to the duke of York. It was customary in that house to call things by very soft and gentle names. That which used to be called adultery, was now only living under protection. It was in this way that when religion and social order was attacked in France, we heard of "a mother without being a wife." The applying those delicate expressions to acts of immorality, was striking at the root of the morals of this country. The house had been now sitting, day after day, in the consideration of those transactions, and in tearing off the veil which covered them. If, when they were now laid bare, the house was to abstain from passing an opinion upon them, they would do an irreparable injury to the morality of this country. It would be found throughout the page of history, that religion and morals were the best preservers of states, and that when they were upon the decline in any country, it was a sure prognostic of that country's approaching fall. He would not say that the charges were of that nature that it was absolutely necessary to bring forward; but when the house had been compelled to take notice of them, he did not see how they could avoid coming to that conclusion which was impressed on their minds by the evi-

dence which had been stated. He felt that he had a solemn but a painful duty to perform, and he could not conceive how, after all that had been disclosed, the house could believe that the command of the army could be any longer safely confided to his royal highness. Supposing the case to be according to the mildest interpretation of his friends, that the duke had no knowledge or suspicion of the transactions, but that he was completely deceived and blinded by the woman whom he passionately loved and entirely confided in, that would be reason enough to call for his removal from the command of the army. The more innocent and the more unsuspecting the duke of York was described to be, the more danger was there that the enemy would find out if any body had influence over him. There was another consideration which he felt it his duty to state. That house had been always considered in a peculiar degree as the guardians and stewards of the public purse, and bound to take notice of the waste of money applied for public purposes. The luxurious and profuse expenditure of the establishment at Gloucester-place would be read with pain by the heavily-burdened cottager in all parts of the country. Whatever now takes place in higher life, is soon known in every circle of society; but the transactions which were now under consideration had acquired an extraordinary degree of publicity, and the public could not avoid feeling that this profusion was supplied from their money, which had been granted for different purposes. As to the public opinion guiding the determination of that house, it was a principle that he should not contend for; but he reminded the house that their

strength was in the strength of the people, and that it was from this force of public opinion that governments which were somewhat popular in their form had the greatest strength. The house would probably this night divide upon the question whether an address to his majesty, or a resolution, such as that proposed by his right honourable friend (the chancellor of the exchequer), should be agreed to. He hoped that no consideration, even of the delicacy of the subject, would prevent them from discharging, to the utmost, the duty which they owed to their country.

Mr. Canning having explained away the declaration made in the outset of the business, viz. that infamy must fall somewhere, declaring it had no reference whatever to Mr. Wardle, he observed that both the addresses were highly objectionable. In one of them, that of his honourable friend (Mr. Banks), there was a misstatement in the very beginning. The committee had sat six weeks to inquire into the conduct of the duke of York;—the house had been sitting six days to consider what way they should communicate their sentiments on that conduct, and yet the name of the duke of York was not once mentioned in that address. In the whole history of addresses, such a one as this had never been framed by the heart of man, nor had the like ever before been presented to the house. It said no more nor less than this—“We believe him to be guilty; but if he should happen to be innocent, we will still punish him as if guilty.” He hoped, however, such an address of alternatives would not be permitted to stand on the journals of the house. The honourable gentleman who brought forward the

charges had devised one of his own; but he had suffered others to interfere, and to inoculate or vaccinate it with matter of their producing, which had warped it from its natural purpose, and made it differ from itself. Some of those who had thus interfered, might have derived their presumption and pertinacity by an inheritance of the splendid vices of one of the mistresses of Charles II. The question was not that the committee should inquire into the abuses and corruptions of the army, but into the conduct of the duke of York. This address, however, shirked the question, and shifted it to the abuses which might have existed before the duke of York was born. It had been said that ministers encouraged this open mode of proceeding that had been pursued. He was one that did so, because he thought that proceeding would lead to impeachment, and not that by restoring the speaker to the chair, they should proceed from the character of inquisitors to that of judges. He did not repent of that proceeding, because, whatever steps the house might take, it would appear to the public, that they wished the truth to be fully and fairly investigated. From the case of lord Falkland to that of lord Melville, the course of that house had always been to proceed by way of resolution, and then an address; but an address with a resolution he thought highly unjust. It had been said the other night by a great grandee of the house of commons, styling himself an independent country gentleman, that gentlemen in office were not to be believed. On such declarations he should always look with sovereign contempt. He conceived it to be the fair inference of what would have been the conduct

duct of the man who said it, had he been in office. It was not a glass that reflected others, but a glass that reflected himself. He was the last man who would wish to have any deference paid to the duke of York on account of his rank; but in proportion as they acted consonant to the principles of justice, posterity would look on them, and he would wish the decision to be such as should do honour to the justice and dignity of the house.

Lord Folkestone, in explanation, begged to make an observation or two on some words which had fallen from the right honourable gentleman in the course of his speech. What he had stated on a former night on the subject of the word "infamy," was from what he understood the right honourable gentleman to have said on the commencement of the inquiry. The right honourable gentleman had this evening given another ground on which he rested it, instead of the head of his honourable friend. He had certainly been in error, and he was sorry the right honourable gentleman had not taken an earlier opportunity of mentioning it, as he then should have escaped the using the language he had done upon it. With respect to another allusion which went to the situation of an ancestor of his in the reign of Charles II. long before the person who gave him being was born, it would be ridiculous in him to seem not to know who was glanced at in what had been said; but he begged leave to state to the right honourable gentleman and to the house, that every inquiry and investigation at the time had been made into the truth or falsehood of the report of that connexion, and the result was, there was never any want of

proof of it. And though the Almighty had thought fit, in the plenitude of his wrath, "to visit the sins of the father upon the children to the third and fourth generation," he did not conceive the right honourable gentleman would have arrogated the right to do so. He appealed, however, to the candour, the liberality, the decency, and the justice of the right honourable gentleman, whether he had a right to do so.

[While the division was taking place, the chancellor of the exchequer addressed the members in the lobby, and stated to them that the first division went only to determine the form of their proceedings. The next question would determine the fate of colonel Wardle's motion, and if it was negatived, he would then propose the second of his resolutions, having waved the first. The manner in which that second resolution was carried would decide whether the duke of York was guilty or not. He would afterwards propose, if his second resolution was carried, to adjourn the consideration of the others to another day. In every case it was highly desirable that they should come to a conclusion on the main question before they parted; it was probable several divisions would take place, he trusted no member would go away until they were all decided.]

The first division was on the question, whether the house should proceed by address or resolution. [This decided the fate of Mr. Banks's amendment.]

For proceeding by address . . . 199

For proceeding by resolution 294

Majority against Mr. Banks's amended address 95

A se-

A second division then took place, on colonel Wardle's motion :

For it 123

Against it 364

Majority against colonel —

Wardle's motion . . . 241

The chancellor of the exchequer having declined to press his resolution at that hour, it was agreed to adjourn the further consideration of the inquiry into the commander-in-chief's conduct till Friday ; the house to meet on the intervening day as usual for the transaction of the ordinary business. The next question on the subject of the inquiry is the resolution in favour of the duke of York, proposed by the chancellor of the exchequer.

March 17. The chancellor of the exchequer, after a few words had passed between him and Mr. Tierney, announced his intention to withdraw his resolution, and omit from it the word "charges," and otherwise to alter it to the following effect :

"That this house having appointed a committee to investigate the conduct of his royal highness the duke of York, as commander-in-chief, and having carefully considered the evidence which came before the said committee, and finding that personal corruption, and connivance at corruption, have been imputed to his said royal highness, find it expedient to pronounce a distinct opinion upon the said imputation, and are accordingly of opinion that it is wholly without foundation."

This occasioned a very animated debate, in the course of which

Mr. Lyttleton said, that the charges against the duke of York were fully proved,—proved not perhaps in strictness of law; but sufficiently proved to satisfy the

conscience and understanding of any plain, honourable man. The evidence, if not as good as could be wished—if not the very best, was yet the best that the nature of the transactions would admit. It was besides corroborated by other evidence, and by evidence of that kind, which, next to the confession of the person accused, was reckoned the best evidence : he meant the writing of the duke of York. To that evidence he could not refuse his assent. Combining all its parts—seeing how they supported and confirmed each other, it carried complete conviction to his mind. As to the merits of the duke of York as commander-in-chief, he was not disposed to deny them, or to withhold his tribute of praise for the services which he was stated to have rendered the army ; but mere evidence to character was good for nothing, except in mitigation of punishment. He could not help noticing the subdued tone in which gentlemen at the other side now spoke of the motive which induced his honourable friend to bring forward these charges. When the subject was first mentioned, they endeavoured to raise a cry of jacobinism. By this cry they hoped to pervert the feelings of the country, and prejudge the question. They were disappointed in this expectation. They showed little judgement in attempting to revive this mad cry. The great magician who first raised it possessed commanding powers, and was able to give it effect, and keep it up; but persons who were not endowed with such great talents, were not competent to so mighty a work. No successor to this Prospero, no inferior magician, should attempt so dangerous a spell. With the leave of the

the house, he would draw a precedent from former times. He should quote nothing that did not appear on their journals. In 1680, two resolutions were passed by that house. The first ordered that a list of the moneys or pensions paid to members of that house out of the fund appropriated to secret services should be laid before the house. The second provided that no member of that house should accept any place under the crown, without the previous consent of the house, and that if he should so offend, he should be expelled. Now he would not go the whole length of these resolutions, though he was prepared to say that there was much in them which he would wish to see adopted. He felt somewhat of the spirit of those times, and as far as parliament might be pensioned, its decision would not have much weight with him. He would not be terrified from stating these things by the fear of incurring the rebuke of a right honourable secretary (Mr. Canning) whom he did not see in his place. He was not to be deterred from expressing his sentiments by the statement of some obscure anecdotes, by the apprehension of that severity, which, if exercised, would be exercised with the grace peculiar to that gentleman. This was a kind of warfare in which he was not worthy to engage with a gentleman respecting whose ancestors no trace could be found either in historical facts or traditional anecdotes. He had always wished for the removal of the commander-in-chief in the mildest way possible; but now, since this inquiry had been suffered to proceed as it had done, he hoped the house would not add their humiliation to his disgrace. If this did prove to be the case, he trem-

bled at the result—he knew the people would sink into gloomy and sullen despondency—they would have no confidence in their representatives—they would say, “These are men whom we cannot trust—men, whom ministerial influence can induce to varnish over any job.” They would begin to ask themselves what security they could have against oppression when protected by such men; and this, perhaps, would be their mildest expostulation; they might have recourse to other means, which he hoped to God they would never be induced or compelled to adopt. He hoped, however, these melancholy anticipations were groundless, and that a British house of commons would prove itself worthy the epithet applied to the celestial font of justice—that it “was no respecter of persons.”

Sir Thomas Turton declared it as his opinion, that the people believed the house was doing nothing, and meant to do nothing; at the same time, however, he was sure that the coolly-judging part of the community would be content with their decision, if they thought it was given from their conviction. Thinking thus, he would act conscientiously, and he now declared before God and his country, in the most unequivocal and solemn manner, that he believed the duke of York had a knowledge of the corrupt practices which had been disclosed at the bar. This was no time for concealment. He did not wish by his vote to restrict others; let any man who thinks differently in his heart vote differently, and let him look for his own approbation in his closet, and in the hour of his dissolution. He now considered it his duty to move an amendment, which did not go to charge the duke

duke of York personally with corruption, but with a knowledge that such corruption had existed. He then moved as an amendment to the motion of the chancellor of the exchequer, "that this house have grounds for believing that his royal highness the commander-in-chief had knowledge of the corrupt transactions of which evidence has been given at the bar."

Mr. Fuller rose and said, it was not his intention at so very late an hour, to trespass much on the attention of the house, but he thought it his duty to address them because he had been badgered by letters and abuse, and such sort of things. (*Hear, hear! and loud laughter.*) I tell you, sir, (said Mr. F.) I have even been called a black-hearted fellow, but I'll do my duty. (*Order, order!*) People talk very much now of popular clamour; but I remember when this case was bad enough in the beginning, not a man on the opposite side almost but denied he had any thing to do with it. They all staid behind until they saw the popular clamour excited, and then they came forward.—(*Loud cries of Order!*) I tell you it is a fact. Why one man to whom I at first said it was a bad case, very near knocked me down. (*Loud laughter!*) Zounds, sir, said he, what! do you think I have any thing to do with it? I am of opinion we ought to acquit the duke of York. He is a great military character: he has carried our arms into all the rest of the world, and under him the army has flourished. Will you then hunt him into the world with a harpoon stuck in his back? (*Much laughter!*) An honourable baronet opposite has talked of "dissolution."—I hope he did not mean a dissolution of parliament. Indeed I'm inclined

to think he meant another kind of dissolution, from an honourable member whom he seemed to have in his eye. But, sir, if he did mean a dissolution even of parliament, I trust in God I shall be returned (*loud laughter!*) for doing my duty—(*Hear, hear!*) I have said, sir, I have been annoyed by letters—it ought to be made a misdemeanour. He who does not like England, d—n him let him leave it. [*On this last expression much confusion took place in the house, and it was followed by loud cries of Order, order! Chair! chair!*]

The question being loudly and generally called for, a division took place on sir T. Turton's amendment:

Ayes . . . 135

Noes . . . 334

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Majority 199

The house then divided for Mr. Perceval's motion . . . 278

Against it 196

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Majority . . . 82

March 20th. The chancellor of the exchequer rose, and said that he took that opportunity of stating a fact which he hoped might induce his right honourable friend (Mr. Bathurst) to forgo the motion which he had promised to bring forward that evening. He had to communicate to the house that his royal highness the duke of York, on Saturday morning, of his own accord, spontaneously waited on his majesty, and resigned the high office which he had so long held, as commander-in-chief, into his majesty's hands. The motives for his royal highness having taken that step at this particular time appeared to him so proper, that he entertained the most sanguine hopes they would prove satisfactory to the house.

house. The substance of the communication was to the following effect :

“ That the house of commons, after a long and full investigation into the conduct of his royal highness, as commander-in-chief, having passed certain resolutions, declaring their conviction of his innocence, and acquitting him of those criminal charges which had been moved against him, he thought he might now tender a resignation of the office he held of commander-in-chief, without appearing to shrink from those charges, or that he ever entertained a doubt of his innocence being fully proved. That the motives which induced him to approach his majesty, who, as a kind and indulgent father and gracious sovereign, had conferred on him this high command, in order to request he would again receive them, were, that having obtained so complete an acquittal of all corrupt motives and of all participation or connivance at corruption, with which he had been charged, he was desirous of giving way to that public sentiment which those charges, however ill founded, had unfortunately drawn on him. That it did not become him to give up a situation, in which his majesty's confidence had placed him, without expressing a hope, that during the period of fourteen years he had had the honour to hold it, his majesty had been convinced that he had done every thing in his power to promote the interests of the service, and to evince his constant regard to the welfare and prosperity of the army.”

This communication having been made to his majesty by his royal highness, his majesty had been most graciously pleased to accept it. He had then stated it to the house,

without any comment of his own, and he left it to his right honourable friend to determine, after having heard it, whether he would think it necessary to proceed with his motion.

Mr. Bragge Bathurst said, his right honourable friend, who had just stated a great and important fact, had called on him to say whether he would deem it necessary to persist in bringing forward his motion. He could assure his right honourable friend and the house, that nothing but the imperious duty he owed to himself as an humble individual, added to the respect he felt for the opinions of many members of that house, (who had all along thought with him that something more was necessary than the resolutions of his right honourable friend, which had already been passed, to show to the public the sense which that house entertained of such parts of the conduct of his royal highness as did not partake either of corruption or connivance, but which they thought, nevertheless, were deserving of censure,) would influence him to persist in bringing forward his resolution. Many persons thought the house had not gone far enough in adopting the resolutions of his right honourable friend, and he saw no reason why something further should not be the consequence of the inquiry, in a case which lay between the public and the illustrious person who had been the object of it. To explain his intention to the house was all he was desirous of doing : hoping he had succeeded in that, he would no longer detain them, than by putting his resolution into the hands of the speaker to be read from the chair.

The speaker then read the resolution, the purport of which was :

“ That

“ That while the house acknowledges the beneficial effects resulting from the services of his royal highness the duke of York, during the time of his being commander-in-chief, they had observed with the greatest regret that, in consequence of a connexion most immoral and unbecoming, a pernicious and corrupt influence had been used in respect to military promotions, and such as gave colour to the various reports respecting the knowledge of the commander-in-chief of these transactions.”

Sir W. Curtis seconded the motion.

Lord Althorpe said, that the right honourable gentleman had lamented the loss the public would sustain by the resignation of the duke of York as commander-in-chief; but the question was, whether that loss would not be much diminished, by the removal of a person who had lost the confidence of the public, and whose conduct had received so many severe animadversions in the course of the inquiry which had taken place. As to the argument of his rank, when he recollected the delicacy which many persons in that house had thought it necessary to use with regard to his royal highness, because he was the king's son, he must own he thought it much better that, in responsible situations, such persons only should be placed as to take away every idea of hesitation, in calling them to the strictest account, whenever their conduct should appear to the house to deserve it. His royal highness had, by the resolutions adopted by the house, been declared not guilty of corruption. He, for his own part, did think the duke of York had been found guilty. He thought, however, the question now stood

in the way in which it ought, as the house would show by that night's proceeding, that if his royal highness had not resigned, the house would have gone further; but as the case now stood, they would evince, that by forbearing to go further, they did not wish to push matters to any unnecessary extremity, but would be satisfied with having taken such measures as would prevent the recurrence of similar transactions in future. He did not consider the resignation of the duke of York as a punishment, but as a step taken in consequence of having by his imprudence and irregularity lost the confidence of the public. The right honourable gentleman had spoken as if he seemed to think the duke of York might hereafter be restored to the high office he had so lately enjoyed. He hoped, however, the duke of York would never again be permitted to resume that situation. It was his intention to move an amendment, and the purport of the resolution he would wish to propose was—

“ That the duke of York having resigned, the house did not now think it necessary to proceed further on the minutes of evidence taken before the committee appointed to inquire into the conduct of the duke of York, as far as relates to his royal highness.”

He had purposely put in the word “ now,” because he thought the duke of York ought not at any time hereafter to be restored to his late situation as commander-in-chief, and if he should, the house would resume their proceeding upon the charges.

Mr. Cartwright said he should oppose both the original motion and the amendment, unless the house would support him in an amendment.

amendment upon the noble lord's amendment, to leave out the word "*now*."

A long debate ensued, after which the question being loudly called for, Mr. Bathurst's resolution was negatived without a division.

The chancellor of the exchequer next moved, that the word "*now*," should be left out of lord Althorpe's amendment.

Ayes - - 235

Noes - - 112

Majority 123 for leaving out the word "*now*."

Mr. C. W. Wynne said, that as the house had thought proper to drop all proceedings on the inquiry into the conduct of the duke of York, in consequence of the resignation of his royal highness, he did not think it necessary to pursue any further the notice which he had given relative to the letter written by the duke to that house. His opinion, that a certain paragraph in the letter in question was highly unconstitutional, still remained the same; and if the house had determined on any further measure, either by address, or by any prosecution or impeachment, he would unquestionably have persisted in his motion on that subject. As it had, however, been thought proper by the house to adopt a different course of proceeding, and as he himself had understood that his royal highness had been led into the measure by others, contrary to his own better judgement, he should in consequence abandon the motion respecting that letter, of which he had given notice.

The chancellor of the exchequer said, he did not know from whom the honourable and learned gentleman had received the information

he had just mentioned, but he assured him that he was ready at any time, and at all times, to meet him on that subject. He had explained sufficiently when the letter was first objected to, that he was sure his royal highness never had the slightest intention of addressing any thing to that house which could be deemed unconstitutional, and that no part of it could fairly be construed as such. The honourable and learned gentleman had, therefore, no more reason then to give the notice than he had now to abandon it. He was certainly at liberty to act as he thought proper; but he (Mr. Perceval) must repeat, that there was no position, from the beginning to the end of that letter, which he was not ready to maintain.

Mr. Whitbread said, he maintained the opinion which he had first expressed relative to that letter, viz. that it was highly unconstitutional; and if his honourable friend had persisted in his motion, he would have supported that doctrine. He had always thought that his royal highness was not the author of that letter; and from the manner of the right honourable gentleman, he was persuaded the composition was chiefly his own. He was therefore right in saying it was not unconstitutional, as it in all likelihood rested solely on his own head. He should be sorry if what the right honourable gentleman had said should provoke his honourable friend to revive his motion; at the same time he must say, the right honourable gentleman might as well have abstained from throwing down the gauntlet at the moment he had chosen; but if it had been brought before the house, he had no doubt of being able to show he was well found-

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ed in his objections to that letter.

Mr. C. W. Wynne, in explanation, said he had not abandoned his notice on any view of having

changed his opinion, but from a desire to conform to the sentiments of the house in the mode they had thought fit to adopt.

CHAPTER III.

Lord Castlereagh's Motion on the Militia—Lord Grenville's Motion on America—Lord H. Petty's Motion on the Convention of Cintra—Mr. Dundas Saunders's Motion on India Affairs—Chancellor of the Exchequer on the Sale of Places—Mr. Ponsonby's Motion on the Conduct of the War in Spain—Sir Samuel Romilly's Motion on the Bankrupt Laws—Army Estimates—Mr. Whitbread's Motion on America—Mr. Whitbread's Motion on Imprisoned Publishers—Sir Francis Burdett's Motion respecting a Grant of Land from Chelsea College.

LORD Castlereagh moved that the military enlistment bill be read a third time, to which he had produced two new clauses; the one extending the provisions of the bill to the fencible regiments of royal miners belonging to the counties of Cornwall and Devonshire; and the other restraining the operation of the bill, whenever the militia establishment fell as low as two-fifths of the quota provided by the act of 1807. The noble lord said, that the principle upon which his bill went, was, that the militia regiments should not be weakened to less than two-fifths of their numbers, following the regulation laid down in 1807, nor exceed three-fifths of that number.

Several other amendments were then moved by lord Castlereagh, and agreed to.

Upon the question being put that the bill do pass,

Lord Milton rose to object to it altogether, as being a measure introduced in direct violation of what he always understood to be the positive pledge of the noble lord upon the introduction of his former bill; namely, that it was not to be adopted as a regular and permanent system, but only be resorted to on great and urgent occasions. It was upon the strength of this promise that many gentlemen were induced to agree to the principle, who never expected that the noble lord would convert a measure, avowedly of temporary pressure, into a regular and permanent system. But now, without stating any such emergency, the noble lord revived the measure, and seemed to rest upon it as a regular expedient for recruiting the troops of the line. But the measure itself could not fail to produce the most mischievous effects upon the discipline

cipline and morality of the militia regiments themselves, by exposing the privates to be tampered with by intoxication and other means equally destructive to morals and discipline, in order to induce them to enlist; and therefore, even if it were objectionable upon no other ground, it was highly so upon this. One great object of keeping up the militia force within the country was, that it might be ready to meet an enemy in case of invasion: but if by the principle of this bill the best disciplined men of the militia regiments were to be drafted into the disposable force, and the militia regiments thus reduced to skeletons, and left to be filled up with raw levies, the noble lord would not say that regiments so circumstanced, and only called out for a month in the year, could be fit to meet an enemy in the field. He therefore thought the country rather hardly dealt by in this measure, not only upon the ground he had stated, but by the oppressive burdens which a fresh ballot would impose. The noble lord, it seemed, had at last found out that the ballot was oppressive on the people; and he had found out an expedient for easing the burden, by allowing to each balloted man ten guineas towards the bounty for procuring a substitute. The only operation however to be expected from this was to raise the price of substitutes, and impose, in another way, a heavy burden on the country. This was truly a *most notable* expedient—one which it was quite impossible the noble lord himself could expect to produce the effects he proposed. Upon the whole, he was decidedly adverse, after so recently carrying into effect a militia ballot throughout the country, to resort again to another, and thus

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for the noble lord to come forward, year after year, with a measure like this, totally subversive of the original intent and constitution of the militia, and converting it to a mere vehicle for recruiting the army of the line.

The bill, after a prolonged discussion, was passed, and sent to the lords.

House of Lords, Feb. 17. The order of the day for summoning their lordships having been read,

Lord Grenville rose. [We can do little more than lay before our readers some of the most prominent points of an admirable speech which took up three hours in the delivery.] His lordship began with stating, that it must be in the recollection of the house, that towards the conclusion of the last session, after the principal merchants and manufacturers had been heard at the bar, he took an opportunity of declaring that it was his intention to bring, at an early period of this session, the whole of this important subject before their lordships. The time is now come for redeeming the pledge which he then gave. Reports had reached his ears that were highly gratifying. He understood that it was the intention of ministers to alter their policy with respect to America, and to resort to conciliatory measures, instead of persevering in a course that must eventually lead to hostility. He had no reason to doubt the truth of these reports; for he could not conceive the possibility of any set of men persevering in a system the fatal consequences of which were so apparent. The steps which he proposed to take would in no way interfere with this purpose: he was but the humble instrument of bringing the question before their lordships. To

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their feelings he left it to repeal measures which were proved to be in direct violation of the laws of nations, and the eternal principles of justice. In the interval between the last and present session, his majesty's ministers had full opportunity of abandoning the fatal policy that had been so rashly adopted. It was not now his intention to trouble their lordships with a recapitulation of the arguments that he then urged against what the event had proved to be, an act of the most egregious folly—of the most unexampled ignorance that ever disgraced the councils of a state. Since August last, there was not one shadow of a pretence for continuing that most impolitic system maintained in the orders in council. That was the question to which he wished to bring them. If in August last an offer was made to repeal the embargo, its continuance at this day is the effect of the orders in council. The position was not to be controverted, that, from the 23d of August, if the embargo has continued, it is solely, exclusively, totally, and absolutely on account of the orders in council. They have produced the embargo, and by their effects must the question be tried. There were two points of view in which he wished to consider the subject: one would embrace the consequences of the orders in council, since August last; the other, the measures that it would be necessary to take for putting an end to this mischievous system. By the shameless proceedings in the Baltic, we destroyed the neutral commerce in that quarter. Nothing remained for us but America. After the unfortunate change in the North of Europe, it was our policy to conciliate the United States. Notwith-

standing all the clamour that was so industriously raised against it, that was our true policy; it had been so since 1783. At the commencement of the late war, the first care of Mr. Pitt was, that all differences with America should be adjusted. The treaty was consequently concluded, which had the effect, notwithstanding the accidental subjects of dispute that sometimes arose, of preserving harmony between the two countries during the whole of the war. When, towards the conclusion of that war, the Northern powers combined against the maritime rights of Great Britain, the United States became no party to that confederacy, but adhered to the treaty. How had we to rejoice, that we had a family of our own in another hemisphere, capable of taking off all our commerce! After those fatal councils which terminated in the battles of Ulm and Austerlitz, and laid the continent of Europe at the feet of France, how consoling would it not have been for us to say, There is a country which is beyond the reach of the arms or influence of that predominating power! When he was called to his majesty's councils two years ago, he recollected the policy of Mr. Pitt, and he adopted that policy. That was the policy which, on every view of the subject, he felt he ought to have pursued. No sooner, however, was the treaty signed, than every artifice was used to disgust the country with an arraignment of the conditions of which the persons who excited the clamour against it knew nothing. That was enough to induce them to persuade the people of this country that their rights were sacrificed, their interests betrayed. During all this uproar, the government, of which he made a part, were silent.

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The treaty came back, and he defied any one to point out a single article in it, in which the rights or interests of the country were sacrificed or betrayed. Nay, so far from it, he procured an article to be inserted in the treaty which went directly to recognize our maritime rights, which recalled that which the letter of the noble lord had abandoned. A change of administration took place, and those who succeeded them resolved to adopt quite a contrary course of policy. Their conduct towards Ireland, their conduct towards the Northern powers, their domestic policy, their finance measures,—all, all were directly the reverse of the conduct of their predecessors. But in no instance was it more contrary than in what respected America: his policy was to conciliate, theirs was to exasperate the government and people of America. Their policy, he had not the smallest doubt upon his mind, was to force this country into a war with America. That such was their intention, he might appeal to facts rather than arguments. They added insult to injury. Their policy is the cause that there are neither commercial nor any other relations subsisting between us and America. Such were the consequences of their system. They violate the independence of a neutral power, and tell them they shall trade with England only. All your ships shall be brought to England. They shall be subject to the caprices of our councils; and not satisfied with this, they add insult to injury, and say, You shall pay duty in our ports. My lords, you lost America by taxation; and as if there was a fatality in your resolutions on this subject, you are about to plunge into a war for the maintenance of

the same principle. I told you, last year, the effect your orders in council would inevitably produce, both here and in America. Instead of producing revenue to support you in the war against France, they are likely to involve you in hostility with America. The sublime invention of making the subjects of Bonaparte pay the expenses of the war against France, has had ample scope for operation. Let us see what the result has been. In the last year this duty produced 31,000*l*. Thirty-one thousand pounds is the duty levied on the necessities of Bonaparte's subjects, through the medium of neutrals. This is the large sum proceeding from ships brought in by force. Such is the resource by which ministers proposed to meet the exigencies of this great crisis. A vulgar notion prevails in America, and it is sedulously encouraged by the advocates of France, that it is the intention of this government to avail themselves of any favourable opportunity of reentering into possession of their former rights and authority in that country. No statesman, no man of common understanding, could give credit to any such intention, but still there is no doubt that the opinion prevails in the United States. A great proportion of the inhabitants of that country are persuaded, that it is the intention of the British government to reestablish the old colonial connexion. The system of the present government was calculated to encourage that idea; that it was intended to subject the commerce of America to the former state of colonial monopoly in the hands of Great Britain. That was the sum and substance of the orders in council. When he said, on a former occasion, that the president's offer was not one of

equal justice, he was not in possession of the information now before their lordships. The documents were before the house, and by them let the question be tried. So far from having offered more to France and less to England, America did quite the contrary. She offered less to France and more to England. Such was the feeling in America, such was the fair construction of the president's message, and in that light was it understood by the legislature of the United States. These all incontestably prove that the larger offer was to England, and the lesser to France. [His lordship here read several extracts from the president's message.] The proposal to both the belligerents, as it is truly stated in that document, was modified according to their relative strength and situation. To England he said, Repeal your orders in council, I will suspend the embargo as against you, and that state will eventually lead to war with France. The proposal to England contained, in fact, two conditions, eventual war with France, and the immediate repeal of the embargo. To France the proposal was, Repeal your decree, and if England does not follow your example, I will continue the embargo against her. This was the sense in which the proposal was understood by the committee for foreign affairs, to whom the message was referred. After a luminous review of all our political relations, he concluded with moving an address to his majesty, in substance as follows:—It began with noticing the French decrees, which were stated to be the foundations of the orders in council: the measures adopted by the American government in consequence; the offer made by America, in August,

to remove the embargo if we repealed our orders in council; that it would have been highly to the interests of this country to have accepted this offer, to have repealed the orders, and secure a monopoly of American commerce; that it was still open to his majesty to renew the negotiation on the basis of the offer made by America. It humbly prayed his majesty to adopt immediate measures to reestablish the commercial intercourse with America, and to adjust all differences; and concludes with pledging themselves to support his majesty against any unjust aggression or novel claim upon the maritime rights of the country.

The earl of Liverpool said, that when once a principle of action was laid down, it ought not lightly to be renounced. The noble earl had never made the admission that the acquiescence of neutrals was necessary to justify our retaliation of the hostilities of enemies: he had always contended for retaliation, and thought that neutrals ought to call upon the original aggressors. The order of the 7th of January was therefore to be defended upon the broad principle of the decrees of France, and the right of England to retaliate them. It was impossible to read the correspondence before the house, and say that America displayed a disposition to act fairly and impartially between the two belligerent powers. The proposition made by Mr. Pinkney was this:—Should France repeal, or satisfactorily explain, her decrees to America, the continuation of our orders was to be construed into war: should Britain repeal all her orders, the president would in a reasonable time revoke the embargo. Thus the same proposition was not held out to the
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two belligerents, but the balance of favour was greatly on the side of France. As to our colonies, it had always been considered that they could not subsist, not only without intercourse with America, but without that intercourse being carried on in American shipping. It had been found, however, that they not only had existed without both of these, but had thriven. The exports of manufactures from England had been greater every where but to America; and that they had not been so there, was the consequence not of the embargo, but of the non-importation act. The revenue too had greatly increased, instead of diminished; but it was said that the year from which this increase was calculated was not a fair criterion, as it contained a quarter during which the orders had not been issued. The noble earl was very much mistaken, however, if this quarter was not the most productive of the whole four quarters.

Several other noble lords spoke for and against the motion, after which the house divided.

For the address (including proxies)	-	-	-	70
Against it (ditto)	-	-	-	115

Majority	-	-	45
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House of Commons, Feb. 21.—

Lord H. Petty rose, in pursuance of the notice he had given on the second day of the session, to call the attention of the house and of the country to an inquiry into the causes and effects of the convention of Cintra, which, at a time that the brilliant success of our army against the French in Portugal had led us to hope for the most splendid and beneficial results to this country and our allies, and ultimately to all Europe, had, in an

unfortunate and inauspicious moment, raised a cloud, the intervention of which had cast a dreadful darkness on the till then prosperous and brightening prospects and hopes of this country.

With respect to sir A. Wellesley, he assured the house, that on his (the noble lord's) part, it was no cause of complaint against ministers that he was appointed to command. The gallant general's bravery, skill, and eminent military talents were so well known, that it was rather a source of satisfaction to every one that sir A. Wellesley was appointed; and in sending out an expedition, it certainly required that it should be equipped for every species of service. It required also, if success were expected to attend it, that when an officer was once appointed to the command, he should have it continued to him. He thought no consideration in favour of our allies could induce ministers to take possession of Portugal, as it could be no assistance to them for us to hold Portugal independent of Spain. Bonaparte knew better, and therefore held it in contempt; for if once secure of Spain, Portugal must fall of course. There was, however, at that time, a French army in Portugal, and a Russian fleet in the Tagus—a French army cut off from another French army, and surrounded by a country the people of which were hostile to them: that army was also destitute of all means of assistance, either by sea or land. But it seemed the expedition under sir Arthur Wellesley was not at first destined for Portugal: it was intended to act in different places in the south of Spain, as appeared, he said, in various parts of the instructions to admiral Purvis, who was, in fact, commander-in-chief over all the expeditions then sent out; and

after roving about for some time, the place of its destination was, on the 30th of June, ultimately fixed for Lisbon, by the advice of one of the provincial juntas of Spain, who, he believed, knew as little as ministers of the real state of either Spain or Portugal; but, being animated with a strong desire not to have this expedition among them, and yet, finding that his majesty's ministers would have an expedition somewhere,—were on that day tempted to advise the gallant general to take his forces to Lisbon, in order to expel the French from Portugal. This was on the morning of the 30th of June; and in the evening of that day a dispatch arrived from sir C. Cotton, stating that there were only 4000 French in Lisbon, and the British might take possession of it when they pleased. It had since been pretended, that on this simple allegation the expedition had been dispatched direct for Lisbon. When, however, the noble lord found afterwards that Junot's army was 20,000, he assured sir A. Wellesley in a dispatch of the 15th of July, that a proportion of cavalry should be sent as far as the means of transporting them existed; and that it had since been proved, that the whole of the cavalry sent out to him amounted to no more than 700 or 800 men, though the noble lord had some time before put a resolution on the table of that house, that he had provided transports for 4000 cavalry. He had, in vain, sought for an explanation with respect to the artillery; but the narration of sir A. Wellesley told us that it was (for what reason he was at a loss to guess) found expedient to work the artillery with bad horses; and bad indeed they seemed to have been, for the account of colonel Robe described them as

sick, lame, blind, cast off, and unfit for service; and this was not by accident, but by concert between lord Hawkesbury and the lord lieutenant of Ireland, before the expedition sailed from that country.

So instructed, and so provided with cavalry, with the addition of artillery that could not be drawn, sir A. Wellesley sailed from Ireland on the 20th of July, and soon after reached Corunna, from which port, by the advice of the junta, he went to Portugal, and arrived in Mondego Bay. Three days after he sailed from Cork another chief was appointed; and soon afterwards six more generals were sent out, all senior to sir A. Wellesley; and at last sir H. Dalrymple was appointed commander-in-chief for the present, not for a continuance, but a mere *pro tempore* appointment. Sir H. Burrard was to succeed and supersede sir A. Wellesley; sir H. Dalrymple was to supersede sir H. Burrard; and if the campaign had lasted, some one else was to have superseded him: and after all this, the noble lord concluded his letter to sir H. Dalrymple with recommending harmony to and among them.—A most curious and whimsical idea! The noble leader of the band puts all his instruments out of tune, throws them into a strain of discord, and then conjures them to be harmonious. [*A cry of Hear! hear! from all parts.*] By this time, however, the noble lord was himself become completely ignorant who was the commander-in-chief; they had been appointed in such rapid succession, he knew not to whom he should address himself as such, and all his future instructions were therefore directed to the senior officer for the time being. (*Hear! hear!*) The noble lord then contended, that

that the expedition was not properly supplied with provisions, for which the noble lord had relied on Portugal; whereas it appeared by the examination of sir A. Wellesley, that no exertion could have drawn from Portugal a supply of bread or bullocks; and in his letter to sir H. Burrard, he says Portugal could never supply itself for seven months: and yet the noble lord had relied on it for the supply of the army he thought proper to send them. After the surrender of Dupont, the retreat of Bessieres, and the departure of Joseph Bonaparte from Madrid, the noble lord writes to sir A. Wellesley, that he has the fullest reliance on his decision and prudence, and yet he had at that moment superseded him, and let him down to the seventh in command. The gallant general, however, on landing, commenced a bold system of operations, and with that gallantry and skill which so eminently characterize him, aided by the bravery of our troops, he on the 17th obtained the victory of Roleia. On the 18th, sir H. Burrard, the next commander-in-chief, arrived on the coast, and sir Arthur was interrupted in his career. On the 21st the gallant general was attacked by the enemy, whom he again defeated; and then sir H. Burrard took from him the command. The wind of the north had blown him thither for that purpose; and the next day the wind of the south wafted sir H. Dalrymple to the shores of Portugal, and sir H. Burrard was stripped of the command for ever. The noble lord then stated the case of sir H. Dalrymple to be, in his (the noble lord's) opinion, a very hard one indeed. He had been called from the government of Gibraltar to command an army he had never

seen, in a country of which he knew nothing; and he most justly described his own situation in his dispatches, in which he says, he found all the responsibility vested in him, and all the information on which that responsibility must rest vested in others.

The noble lord then read a letter from sir A. Wellesley, as to the situation which led him to think an armistice necessary; one reason for which was the want of cavalry. Sir H. Burrard, in his letter to ministers of the 22d, the day after the battle of Vimiera, says, "The army is in full health and vigour; but the cavalry were reduced to about 100, and the horses bad."

Sir H. Dalrymple, in giving his reasons for a suspension of arms, says, the enemy's cavalry gave him a decided superiority, especially after they should pass Torres Vedras, where they would come into a more open country; and, speaking of the artillery-horses, he said they could not keep up with the infantry to support them.

If the object of the expedition was to drive the French army out of Portugal, not one of these generals had been made acquainted with it. Even sir A. Wellesley, who had daily conversations with the noble lord (lord Castlereagh) previous to his leaving Ireland, never heard a word of it. Under all these circumstances—in want of instructions, cavalry, and artillery,—the armistice was signed, with an army that had twice been beaten, and with 30,000 English in the field. The convention then followed, and he thought the house would feel it was such a convention as deserved what his majesty had said of it, viz. "That it had disappointed the hopes and expectations of the public." The noble lord concluded by moving,

“That it is the opinion of this house that the convention of Cintra, signed on the 30th of August, and the maritime convention of the Tagus, signed on the 3d of September, 1808, have disappointed the hopes and expectations of the public.”

Lord Castlereagh entered into an elaborate defence of ministers, and contended that it was a brilliant addition to the military glory of this country, to have expelled, in the course of a short campaign of three weeks, an army of 25,000 French from Portugal. The country gave itself no time for deliberation. The feelings of the people broke loose, and they neither took a large nor cool review of the subject. They knew that the French were defeated, and they were angry that they had not been reduced to unconditional submission. All the officers employed agreed that it was expedient to grant the French the convention they obtained. After the court of inquiry, that question must be considered as completely settled on military grounds. There were parts, however, of that convention which he felt it his painful duty, at the time, to express official disapprobation of, that in particular in which the officer who made it assumed to stipulate for the interests of our allies. His lordship justified the negotiation to procure a qualified surrender of the Russian fleet, by the apprehension of famine in Lisbon, and the inconvenience of keeping a squadron upon that exposed and dangerous coast for the purpose of blockading the Tagus. Upon the whole of the argument, he trusted that the house would think that the course that was pursued had furnished all the information that was necessary for coming to a decision on the subject, and

that the court of inquiry admitted a latitude which the narrow and technical limits of a court-martial could not have afforded. If the equipment of the expedition was maintainable, the result of the operation was such as at any other time would have satisfied the feelings of the country. It had expelled 25,000 men from Portugal, put the Russian fleet into our possession, and released from a tedious and hazardous blockade a British squadron of nine sail of the line. The resolution of the noble lord would answer no beneficial purpose. If the house would agree with him that the first proposition was unnecessary, he would hope that they would also concur with him that the second was unjust. His lordship concluded with moving the previous question, at the same time professing that he was not averse to taking the sense of the house upon either of the questions.

Sir A. Wellesley observed, there were two questions before the house; the propriety and prudence of the expedition, and the result of the military operations. For the latter, only the officers employed were responsible. In any expedition, it was necessary to obtain the concurrence and cooperation of the inhabitants, and to be guided by their wishes. On his arrival at Corunna, though his instructions were to proceed to the Tagus, he offered to the junta to land his army, and he was told that the greatest service he could render them, would be to expel the French from Portugal. He was assured by the Junta of Galicia, that means would be taken to drive the French from St. Andero; but they thought the expulsion of the French from Portugal so much more important, that they even detached 2000 men from the

the remains of the army that had been defeated at Rio Seco, to co-operate with the army destined for that service. When he took the command of the expedition, he certainly did not expect that he would have to encounter so great a force as the French brought against him. The information of the admiral off the Tagus represented that the enemy had not above 4000 men at Lisbon. If the plan of operations that he had taken the liberty of recommending to sir H. Burrard had been followed, he would not this night have had the mortification of hearing from the noble lord that the expedition to Portugal had disappointed the hopes and expectations of the nation. This, however, was disapproved, and the whole plan that he intended was entirely deranged. When he left England he had no right to suppose that he would be continued in the command of the army. If the enemy had been pursued after the action of the 21st, they could not have effected their retreat across the Tagus. This opinion, however, was not adopted, though he must say he thought it ought to have had weight. He could not conceive upon what principle the court of inquiry, who approved of every proceeding of his from his landing at Mondego to the end of the battle of the 21st, sanctioned the resolution not to pursue a beaten enemy. After the battle of the 17th, the enemy retired in good order; but in the action of the 21st, where they were completely beaten, they were thrown into confusion, and they retired in disorder. A great deal had been said respecting the advantage of obliging an army, such as Junot's, to lay down their arms. But no such object had been pointed out in their instructions. It was the

duty of every commanding officer to oblige the enemy to lay down their arms, and no instructions were necessary for that purpose. But the question was, whether to prosecute that object they ought to give up other material points in time and circumstances, and to abandon the advantages they had gained. It would not be so honourable to the British arms, if, after pursuing the enemy into Alentejo, and the consequent loss of time and blood, the same, or nearly as good terms, were to be granted to the enemy. If it was not disgraceful to have allowed the French to evacuate Cairo and Alexandria in Egypt, the convention for the evacuation of Portugal could not be disgraceful. He allowed that the circumstances of the two cases were different, as was also the state of Europe, though he contended that the result in both was equally free from disgrace. There was one other topic which he had to touch upon, namely, the proceedings of the court of inquiry, a court which he was convinced no officer would wish to be held upon him. It had been stated that the court of inquiry had been resorted to in consequence of the friendship of his noble friend towards him. It was rather hard upon him to be subjected to such a reflection. If he were to have gone to trial for all for which he was responsible from his landing at Mondego Bay to his departure from Portugal, he was convinced he must have been acquitted. As far as he was concerned, the court of inquiry was an injustice, and he hoped it would be the last court of that description that would ever be summoned in this country. If he had been aware of the letter of his noble friend, directing his u-
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perio officer to attend to his advice, he should have felt uncomfortable. But, from the moment they landed, he perceived that he had not their confidence. Though he differed from them, he had yet done everything in his power whilst in Portugal, as he had before done on other occasions, to forward an officer under whom he served. There was a difference between a civil and a military officer; the civil officer, if dissatisfied, may resign, but the military officer was bound to obey.

After a very long debate, in which general Tarleton, Mr. Windham, Mr. Perceval, Mr. Whitbread, Mr. Hutchinson, Mr. Canning, and many others took a part, lord Henry Pety replied to the several speakers on the other side.

Upon a division the numbers were—

For the previous question	203
Against it	152

Majority . . . 51

While the majority were in the lobby, lord Castlereagh requested his friends not to go away after the division, lest another division should take place.

The other resolution was then negatived without a division, and the house adjourned.

Feb. 23. Mr. Dundas Saunders, after a very short prefatory introduction, touching the wish of the East India company, that the house would continue the investigation of the state of their affairs, commenced by a committee in the last session of parliament, moved now to revive the committee. He proposed but two alterations in the list of the committee of last year, namely, by omitting the names of Mr. Hobhouse and Mr. Grenville, and inserting those of lord Temple and Mr. Addington.

Mr. Creevey rose to protest against the nomination of a committee so constituted, because he thought the house unlikely to derive from their investigation the kind of information that was desirable respecting the company's affairs, or the state of the British settlements in India. He took a view of the declining circumstances of the company, both at home and abroad, from the first mission of lord Cornwallis to India, until the present. The principle laid down by that wise and disinterested nobleman, as the only ground upon which prosperity in the company's affairs could be expected, was to confine their attention as much as possible to commercial pursuits, to desist from schemes of territorial conquest, and to conciliate the confidence of the native powers. This advice was avowedly approved and recommended by the court of directors and by parliament, but had been from that moment to this wholly departed from: for what was the whole period of marquis Wellesley's administration in India, but one scene of policy and warfare, directed solely to conquest—in the course of which all the native princes of India had been either actually or virtually dethroned, their confidence and friendship totally alienated from this country, their territories every where, more or less, wrested from them, and the British government in India reduced to a principle of simple despotism? While the noble marquis was thus pursuing schemes of ambition and aggrandizement, the revenues of the company were lavished and exhausted in his pursuits; and instead of realizing the pompous statements and promises made some years since by lord Melville, and the noble lord who succeeded him

at the head of the board of control (lord Castlereagh), that the company's affairs were retrieving, that they would be speedily able to appropriate a million of surplus revenue to the liquidation of their home debts; they had never been able to pay but one half million; their income had proved wholly inadequate to their expenditure; and, instead of clearing off the nine millions which they owed, their debt had actually increased to 32 millions, and they still wanted to borrow more. In such a state of affairs, and while the time was approaching when the present charter of the company must expire, it was of the highest importance that the house and the country should be fully and fairly acquainted with the real state of their concerns; but such a result was hardly to be expected from a committee constituted like that of the last year, who were chiefly either themselves members of that board of control, who sanctioned and directed the measures of the marquis Wellesley, or the friends and relatives of the noble marquis himself, who aided and abetted his operations. A committee so constituted were in fact sitting in judgement upon themselves, and of course could not be expected to give a report unfavourable to the system in India pursued under their auspices. What could be so ridiculous as an inquiry founded by such men upon the examination of each other? The great Mr. Burke, so much learned above other men, did not know any thing of India affairs until he acquired his knowledge by the examination of evidence before the committee of which he was a member; a committee, who, though not at all composed of men conversant with the affairs of India, but deriving all their in-

formation from evidence, yet produced, within the short period of two sessions, no less than eleven volumes of reports, containing the most perfect system of knowledge and learning upon Indian affairs ever before produced. While such was the result of the inquiry conducted by an unlearned committee, what was the contrast compared with the report of the second committee appointed last session? Why, that the latter was one of the most trumpery productions, the most destitute of comprehensive knowledge and information on the subject referred to them, that ever proceeded from any committee of parliament. He therefore could place no reliance upon the reports of a committee so constituted. He thought it impossible the British power in India could long continue to exist under such a system as that by which it had been for several years characterized. It has long been known and avowed, that the conquest of India was a favourite scheme with Bonaparte, more especially as it was the only branch of British territory he could approach by land. It was well known that he had active machinations on foot for the purpose, and had eminently succeeded in gaining to his purpose the government of Persia. He (Mr. Creevey) had little doubt that Bonaparte, still a young man, would, in the course of a few years, make himself master of British India. He concluded by expressing his wish that the house, instead of intrusting the inquiry to the proposed committee, professedly learned in Indian affairs, would appoint a committee unacquainted with them, who would make their fair deductions from the examination of evidence, and have authority to examine the proposed examiners themselves.

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Lord A. Hamilton observed, that the principal object of the committee would be to inquire into the present state of the affairs of the India company, and the causes which led to it; and he could not, therefore, consent to a committee composed chiefly of such persons as adhered particularly to their measures, and were blind to the consequences of their delusive statements. He was no way hostile to the India company, but he felt it his duty to watch carefully the interests of the public, which were so deeply implicated in their failure, and to guard them as much as possible against the depredations of the board of control, the influence of which had, in his opinion, brought the company into their present state of difficulty and distress. He should therefore object to a committee so constituted.

Mr. Wilberforce said it was a notion too frequently taken up, but in his opinion a most mistaken one, that gentlemen who have been in India are all of one mind respecting the affairs of the company in that country. That the reverse was the case, was well known to the gentlemen on the other side of the house; and could they wish any thing better than to have those who are able to give them information on what is most conducive to the interests of the company and of the country? In his mind the committee would be greatly robbed and denuded, if it should be deprived of the talents and the information of those gentlemen. One would suppose, he said, from the argument, that the directors were men enjoying sinecures of three or four thousand pounds a year, and had nothing to do but to enjoy themselves at their ease; whereas they were gentlemen of the first talents for business—men of industry

and application, and devoted their whole time and study to promote the welfare of the company. He was against objecting to official men, who, in his opinion, would be more useful than any other set of men.

Mr. Whitbread, sir A. Wellesley, Mr. W. Smith, Mr. P. Moore, and other members, delivered their sentiments; when the motion was generally carried.

Feb. 24. The chancellor of the exchequer said, it would be recollected by the house, that the honourable gentleman opposite (Mr. Wardle) when he brought forward his charges, had mentioned an office in the city kept for the sale of places under government, in which the names of the lord chancellor and the duke of Portland had been used. He had then said he would be glad to give every assistance to the honourable gentleman, in order to discover if any such unjust practices were really in existence. Since that time, a gentleman had observed an advertisement for the sale of a place under government, and had applied accordingly to the office of Coleman and Taylor, who informed him they had a place under government to dispose of. He informed the chancellor of the exchequer of it, who sent for the solicitor to the treasury, and desired him to go with the gentleman, and make an advance of any sum that might be required, to endeavour to find out if any such practices did exist, so as to fix them with a prosecution. They had accordingly proceeded, and a sum had been agreed on, which was deposited; and by the advice of the attorney and solicitor-general, Coleman and Taylor, and a Mrs. Harvey, were indicted; there was also a banker.

Mr. G. Ponsonby said, he rose to submit to the house an inquiry on a subject

subject as highly important to the honour, fame, and interests of this country as any which had ever claimed their attention. If he had not given any notice on the subject, the very expressions he had used would have presented to the mind of every one who heard him that he alluded to the conduct of the campaign in Spain. When the insurrections at Madrid and other places in Spain were first made known to this country, the circumstances of the world were such as made it the most important crisis for those who possessed his majesty's confidence, that could well be imagined. All the powers of the continent of Europe were prostrate at the feet of the conqueror of its destinies, and either from the weakness or the versatility of their councils, had, one after another, succumbed and submitted to the power and aggrandizement of the emperor of France. England alone was found to be the only power capable of any further resistance to the gigantic power of France. The house of Austria had, against the advice of her wisest and most prudent counsellors, plunged headlong into the third coalition against France, and the fatal consequences which followed had reduced her to a state of absolute weakness. Whether seduced by the power of France, or wearied with her former alliances, Russia had not only ceased to be the enemy, but had suffered herself to be drawn into a close alliance with the emperor of France. Thus stood the world; and when those who had so long been her enemies had at length become her vassals or allies, there unexpectedly arose an opposition to the arms of France, in a country which had not only been in strict alliance, but even in a state of the most abject depend-

ence to her power. Spain, so lately her vassal, had risen in insurrection against her impressive mandates, and had applied to this country for assistance, just before the close of the last session of parliament; but it was not in the power of his majesty's ministers then to lay before the house any information on the subject. The whole management of this delicate and important affair had been left entirely to them. Parliament had no power to interfere or to take any share in it, the session being at its close. Ministers had, however, every thing which parliament could bestow, to enable them to act with spirit and effect. They were granted without hesitation every guinea they could ask; they had a vote of credit to the utmost extent of their wishes. There was but one mind, one heart, and one undivided spirit, among all the people of the empire. No ministers before them ever experienced such unexampled unanimity in the nation, to forward and promote the success of every measure they might think proper or requisite to adopt, for the assistance of the Spaniards; not a man who expressed a wish but of effecting the liberty of Spain.

Standing on that eminence from which ministers could view the prospects that were shut to all other eyes, it was their paramount duty, before they engaged the strength, power, and credit of this country in that project—before they employed its wealth in any expeditions, either by land or sea—it was their duty to make themselves well acquainted with the real situation of Spain. The first measure they ought to have adopted was, to have sent to that country men of the most eminent talents, both in military and civil affairs—men who

were

were able to lead on and conduct with effect the Spanish armies. It was their duty to have selected such men as were likely, by the superiority of their talents, so to take advantage of circumstances which might be found favourable, as to break down the overgrown and all-grasping power of France, and by that means to afford an opportunity to the other powers of Europe to take the first occasion that offered of delivering themselves from the degraded state of vassalage and oppression in which they were at present placed. He did not know the men who had been sent, more than from public report; but he could not perceive among their names any one who was remarkable either for wisdom or knowledge. They were all young men, and, as such, he feared but little capable of forming a true and sound judgment, either of the nature and situation of the country, or of what was passing in it. Ministers stood responsible in a double capacity; they were bound to adopt such measures as should most effectually conduce, not only to the means of success to Spain, but also of defence to England, and to consider that they had to administer the affairs of that country which could alone resist France; and it behoved them most especially to see that they did not neglect the defence of this country in attending to the assistance of Spain. To judge of the true state of Spain, it required men of the first-rate abilities. It was easy to see, however great our power at sea, England alone could not stand the event of the contest. It was, above all, necessary to ascertain the true feelings and spirit of the Spanish people; what was their union, and how far their power of cooperation really extended. Mi-

nisters ought not to have employed young men, who are naturally inclined to be volatile and heedless, but such as were of most experience, and not liable to be led away by false or doubtful appearances; men who could form a sound judgment as to the principles and inclinations of those who filled the first rank, and were held in the highest estimation in that country; men who could discern the particular bent and bias of the minds of the middle class of society there, that great and binding link between those of the higher and the lower rank, and how far they were ready and willing to undergo all the miseries, and to suffer the various and manifold privations they were likely to suffer by entering into the arduous conflict. He did not mean to speak disrespectfully of the Spaniards, but they did not appear to him to be possessed of that warmth and enthusiasm of character which was so necessary to ensure success. Ministers ought, however, to have known how far the Spaniards were inclined to go, before they ventured to send, in the face of the most powerful and best disciplined army in Europe, that comparatively small portion of our army, which they placed under the command of sir John Moore.

The first step which was taken, was the expedition under the command of sir Arthur Wellesley, on the 15th of July. The gallant general went to Galicia, but the junta told him they did not want men, and advised him to go to Portugal. When the gallant general went to Portugal, by the direction of the noble lord, the fate of Spain was decided; for it was not possible to succour Spain effectually till that campaign was concluded. On the 30th of August that event took place,

place, and he desired to know why so long a time had elapsed between that and the 16th of October, the day on which sir John Moore set out for Spain. The gallant general had told the house the other night that an English army was, in his opinion, necessary in Spain, and that in the heart of the country; and yet, though the campaign in Portugal ended the 30th of August, sir John Moore did not set out for Spain till the 16th of October. On the 13th of October the army under sir David Baird arrived at Corunna, and it was not till the 27th of that month that it was disembarked. On the 27th of September the central or supreme junta were installed at Madrid, and yet it was necessary to wait till the 27th of October to get the consent of that junta to their landing. There should have been some person there to have informed sir David Baird, whether he would be allowed to land his men by those to whose assistance they were sent; but it appeared there was not any body from this country for any such purpose till the 7th of November, that Mr. Frere arrived at Madrid. He did not mean to depreciate the talents of Mr. Frere, but he was not in his (Mr. Ponsonby's) opinion a proper man for that purpose. The most proper would have been a military man—the state of Spain was, or ought to be, wholly military, and none but a military man was equal to the situation of Mr. Frere. On the 14th of November general Moore reached Salamanca. He wished the house to observe how the French were employed all this time. After the surrender of Dupont, the whole remnant of the French army in Spain were concentrated in Navarre. Bonaparte had not a force that could face the Spa-

niards, and was therefore under the necessity of drawing off the forces which had been employed in the Prussian and Polish war. He had no maritime assistance, but was compelled to forward them by forced marches. The emperor of France went to Erfurth—settled matters with the emperor of Russia—returned to France—communicated his intentions to the senate, and on the 5th day of November, nine days before sir John Moore reached Salamanca, he arrived at Bayonne, to put himself at the head of those forces which had arrived from the banks of the Vistula. He requested to know why there had been so much delay on our side, opposed to the celerity and energy on that of our enemy. It was not in the power of this country to furnish a great military force, and therefore it was necessary that force should be kept in a body, and not broken into fragments, which rendered it incapable of acting with effect. He desired, therefore, to know why it was that sir David Baird and sir John Moore delayed so long to join their forces. What was the consequence? The armies of Romana and Blake were overthrown at Espinosa and Reynosa, before sir John Moore arrived in Spain. On the 10th of November one Spanish army was destroyed, on the 12th of November another; and on the 14th of the same month the English army arrived in Spain. Of what use was it to the Spanish armies? Was it to unite with them after they were annihilated? What then was the state of the two English armies? Was sir David Baird enabled to form a junction with the other under general Moore? So far from it, he had not even money enough to enable him to effect that purpose. It might be allowed that there

there were accidents that might have prevented him; he might, from the non-arrival of a transport with part of his troops, or with necessary artillery or ammunition, have been delayed; but who could suppose that ministers would have sent him out with an army without a few casks of money, to enable him to provide necessaries for transporting his army from one place to another? So it was, however; and sir David Baird was obliged to apply to and depend on the credit of private individuals. Afterwards the armies of Leon and Estremadura were successively annihilated, without giving the French army, as Bonaparte himself expresses it, any further trouble than that of a few marches against them.

On the 15th of December, Madrid capitulated. In all that time not a single British soldier had appeared in action in Spain. The gallant general had told us that celerity of movement and quickness in dispatch were necessary to ensure the success of our army. Shall we not then ask why those delays took place? Do not these things demand inquiry?

In this situation sir John Moore found himself in the month of December, and both he and sir David Baird had determined to retreat; as they found it would be impossible to contend with the immense armies opposed to them; and fortunate indeed it would have been if that determination had been pursued! But the opinion of these commanders was again changed; and why? Is it not proper to know why they did not retreat as at first intended? Was it in consequence of orders from home, or was it from the officious interference of those not at home? He had heard that Mr. Frere had requested

sir John Moore to advance, with an assurance that the Spaniards would be able to co-operate powerfully with him. Whether this account was true, he did not know; but our ignorance was a greater reason for inquiry. On the 21st of December sir John Moore arrived at Sahagan, on the 22d the emperor of France set out with a great army to attack him. On the 24th of December general Moore was again obliged to retreat, for had he remained four-and-twenty hours longer in that position, it is more than probable not a man of our army would have escaped. He had heard this, he said, from officers who were there, and who had assured him, that if general Moore had engaged Soult's army, he could not have succeeded. Under these inauspicious circumstances we had lost all our magazines, all our ammunition, above 5000 horses, and he feared more than the gallant general lost when he said not above four or five thousand men. All these had been lost without any possibility of avoiding it. Is it not known that retreat was resolved on before the French force arrived? Is it not also known that it commenced only after it arrived? This demanded therefore to be accounted for. It was not only the loss which England had sustained that was to be lamented, but the effect it must inevitably have on all the powers of the continent; for though our armies had uniformly proved their bravery, England's glory as a military power was lost and gone. If ever we should again ask them to cooperate with us, they would say, No; your troops are brave and your generals skilful; but there is a secret something which paralyses all your efforts, and causes them continually to fail. When you were allies

allies in Germany and in Holland, there were many reasons why your efforts were not available; but after what has passed in Spain, we can never more rely on your assistance as a military power. As to the plan of the campaign, he did not pretend to know it; but some say the north was the most proper, and to land at St. Andero. The noble lord had said this was a Pyrenean campaign, and that there were not only four passes, but forty. If this was the case, why did the noble lord send an army into Spain? If the Spaniards could not encounter an army of 40,000 men, how could he imagine an English and Spanish army could beat 400,000 or 500,000 men, or all that Bonaparte could afford to send thither? He did not know what plan was the best; but he had understood from all military men with whom he had conversed, that from the commencement of the business, the idea of its terminating successfully was futile, absurd, and impossible. It would be necessary, and only just, for the country to know why a contest entered into with the heart and hope of all, and commencing in the brightest prospects, had thus closed in darkness and disappointment,—why as fine an army as ever entered the field should be wantonly exposed to perils which must carry ruin to them, and misfortune to England. He had heard an opinion advanced, which he by no means mentioned as his own,—that our troops might have been employed with effect, as garrisons to certain sea-port towns on the coast of Spain. This was, however, an opinion which he could not entertain; there seemed to be a jealousy on the part of the Spaniards, as at Cadiz, and at Ferrol; and he had even heard (what he would believe true, unless contra-

dicted) that our force, which had gone from Lisbon to Cadiz, would not be allowed to enter the harbour. “All I ask (said Mr. Ponsonby) is, that this house should institute an inquiry into the causes which led ministers so to dispose of the British force, as to leave a doubt on the public mind, whether the fortunes of Spain can ever be retrieved. This is a duty which we owe to the brave soldiers who have borne with patience their unparalleled distresses; soldiers such as no nation on the earth could have sent to battle but ourselves; soldiers who have elevated the name of the country; in the contemplation of whose glory there is not a peasant on the wild mountains of Scotland, or bleak bogs of Ireland, who does not feel himself raised with a superior consciousness. I conjure you then to this act of duty by the glory of your own power; by the reputation of your country; by every thing precious to you as brave and free men; by the gratitude you owe to those heroes, who, falling for you at Corunna, have left their honoured memories to be preserved inviolate; and by your respect for those who are yet left to the country, on whom her future reliance is dependent, and who, I trust, will never be sacrificed to incapacity.”

Mr. Ponsonby concluded by moving, that the house should institute an inquiry into the causes, consequences, and events of the Spanish campaign.

Lord Castlereagh began by stating, that he would endeavour shortly to detail to the house, the reasons by which he was induced to negative the motion of the right honourable gentleman. Melancholy, he confessed, was the event of the late Spanish campaign; but

still the blame was not imputable to ministers; or, if it was, it could only be by deduction, certainly not by proof. Was it a subject of blame to England, whose troops did not arrive till late? (*Loud cheers from the opposition.*) He wished gentlemen would reserve their acclamations until they had heard him out. England surely was not to be blamed, because the principal power to which she came as an ally could not unhappily hold out till the arrival of her assistance. It had been said, that government ought to have waited to collect full information, how far the spirit of liberty in the Spaniards went to the melioration of their condition. Now how the honourable mover could reconcile this with his former admonition to speed and celerity, it was not indeed in his ingenuity to discover. The only rational question was, Whether it could be hoped that Spain, with our assistance, would be enabled to stand against France? and if this could be proved, government stood justified. He had heard that night the great power of France stated as a depressing circumstance; but that was rather an unfortunate argument for those who had constantly been vaunting the efforts of which an universal and determined people were capable. Spain had indeed made an energetic effort; she had borne against the power of France, better than those powers who possessed their regular armies; and if she did fail, it was a little hard to reproach her with that want of character which she had miraculously evinced. In the outset of the struggle, however, ministers had much to hope: the whole nation had risen with one simultaneous effort, and in six days there was scarcely a single province which did

not stand in array against France. What evinced the spirit of the people in the commencement, was the almost immediate subjugation of 100,000 French troops at that time in Spain; nor did they merely overcome them by a superiority of force, as the victory over Dupont by Castanos clearly showed; a victory gained after two days' hard fighting, with nearly equal numbers. General Spencer was at the time near Cadiz; and to his inquiry whether he should stop to the assistance of Castanos, the answer was, that Portugal was more defenceless, and that Castanos had such reliance on his troops, that he would face the enemy alone. This alone he thought was sufficient to show there was something in the country on which we might rest our hopes. But let us turn from Andalusia to Saragossa, and we should find little diminution of their energy; the defence of Rio Seco showed, if they had had cavalry, of what they were capable. Circumstances like these were worth a thousand such political reports as the honourable mover would have built upon. As to their efficiency to meet the French, the destruction of 100,000 men, and the driving the remainder to the left bank of the Ebro, were, he thought, sufficient demonstrations. By this, Spain was left free to the efforts of the Spaniards. Thus, then, the necessity of our exertions was, he hoped, satisfactorily proved. Now as to the nature and expedition of our cooperation. Here his lordship went into a vindication of the course pursued, and concluded by observing, that the house would soon be in possession of documents which would enable it to come to a fair and full decision of the conduct of the government respecting Spain. He

He would leave it to them, in the mean time, to determine, whether a proper case had been made out, or whether the mode proposed was the most likely and best adapted to attain the object professed in the motion. In the course of his experience in parliament, he had seen, that those who were most clamorous and apparently anxious to institute inquiry, were the least sincere in their endeavours to obtain it. The mode they wished to have adopted was always calculated to defeat the ostensible object of their zeal and labour. Should the house go into a committee, they would not be able to get out of it for these three months. He trusted that they would agree with him, wait for the information which government was anxious to lay before them, and upon that form their decision.

Mr. Tierney delivered a most excellent speech, full of fine reasoning and strong argument; and concluded by saying, He trusted the house would not be of opinion that the motion was to be treated as lightly as the noble lord seemed disposed to treat it. The situation of the country was becoming more critical every day. The time must come when their main hope was to rest on the army. It was for that house to revenge the wrongs of the army. There was not an officer who came home from the expedition to Spain, that did not vent execrations against the authors of it. From Lugo until they reached Corunna, there was not a man engaged in that retreat of unparalleled danger and hardship, who did not vent curses against those who placed them in that situation.

General Stewart, Mr. Colborne, and lord Milton spoke to the question; after which

Mr. Canning entered into a general vindication of the conduct

of administration, and concluded with saying, it would be recollected that the feeling of that house, and of the world, upon the first ebullition of the national spirit in Spain, was, that the government of this country had but one course to pursue. It had been argued by the right honourable gentleman, that before the assistance of this country had been given to Spain, it ought to have been ascertained whether or not the Spaniards were instigated by the monks; whether they were encouraged by the higher ranks, or animated by popery; whether they were wedded to their ancient institutions, or disposed to shake off the oppression of their former government; to abjure the errors of a delusive religion, or prepared to forswear the pope and the grand inquisitor. These were questions better suited for the employment of a period of learned leisure, than for the hours of action. The right honourable gentleman, in tracing the limit which he pointed out, had drawn a line of insularity round us, which would insulate us from the rest of Europe, and leave us to defend ourselves. The policy of his majesty's government was different: they felt that the Spanish nation wanted other and more aids, than lectures or municipal institutions: they were content that a British army should act in Spain, though the grand inquisitor may have been at the head of the Spanish armies; though the people may have been attached to their ancient monarchy, and with one hand upheld Ferdinand VII. whilst with the other they worshipped the Lady of the Pillar. To assist the patriotic efforts of the Spanish nation was the sole object, and they did not wish to inflict upon that country any charge as the price of that assistance. If the

principle upon which government had acted was not sound ; if the measures resorted to had only paralysed the efforts of the Spanish nation,—for God's sake let the administration of the government be trusted to more enthusiastic and abler hands ! But the enthusiasm in Spain was not pretended ; what they had in their mouths, they felt in their hearts : they were enthusiastically determined to defend their country to the last extremity, or to perish under its ruins. The language held to Spain was not, that no assistance should be afforded till a supreme government should be established ; but whilst the assistance was sent to every part of Spain, we called upon that country to collect its authority in one supreme government, not in order to obtain our assistance, but to induce other nations of Europe to join in assisting their exertions. Until this supreme government had been established, no accredited minister could be sent to Spain ; but at an early period of the national ebullition, agents had been sent by his majesty's ministers to all parts of Spain ; and from the information collected from these gentlemen, they were enabled to judge for themselves. The right honourable gentleman had objected to the appointment of any other than a military man in a mission to Spain ; but as the objects of the right honourable gentleman are of a philosophical nature, military men would not have been the most proper persons to be employed to accomplish them. But was there no other way of knowing the state of the country than by the barren reports of the agents who might be sent thither ? If one were desirous of knowing what was passing in England, would he not ask whether such or

such a person, who may have been known in Europe to be connected with public affairs, had any share in the passing transactions ? This source of information was open to us in Spain, and the men connected with the national struggle afforded the best illustration of the principle, and the best comment upon the cause. In Catalonia, Espelota, who had been governor of South America, and president of the council of Castile, took the lead. In Castile, Cuesta was at the head of the army : in Murcia, the venerable Florida Blanca, the ablest statesman in Europe. Besides these and others, there were Saavedra and Jovallanos ; the former an able minister for foreign affairs, the latter distinguished in the home department, whose connexion with the popular ebullition was a fortunate omen of its success, and a distinct proof of its extent. But these were not all : amongst those who attended their sovereign to Bayonne, and who took the earliest opportunity to join their country, were don P. Cevallos and the duke d'Infantado. When the hoary wisdom of age and the distinguished individuals of every rank were associated for the common defence of their country, who could doubt of their cause ? This was a state of things which his majesty's ministers could easily discern without the aid of the spectacles presented by the right honourable gentleman. The military part of the transaction may have disappointed expectation, but the cause is not desperate. The soldiers who conquered at Baylen, and those who rallied after the defeat of Rio Seco ; those who defended Madrid before they were soldiers, and drove the French out of Castile, are still staunch in the cause. The spirit of the people is unsub-

unsubdued; the boundaries of French power are confined within the limits of their military ports: the throne of Joseph is erected on sand, and will totter with the first blast; and Bonaparte, even should he succeed, instead of a yielding and unrepublishing ally, will have an impatient, revolting, and turbulent nation to keep down. In this state of things he could not admit that the cause of Spain was desperate. Austria and Prussia had sunk under the fortune of Bonaparte; but though his career had not been stopped, it had been interrupted by an unarmed population in Spain. The cause of Spain and of Europe was not desperate, because our army of thirty or forty thousand men had been obliged to withdraw from Spain; and it was not just to the country, or to the army which he hoped would again prove the stay of Europe, to assert that its honour was in consequence gone for ever. All the energy of liberty and all the sacredness of loyalty still survived, and the Spanish revolution was, he trusted, destined by Providence to stand between posterity and French despotism. The object of the motion of the right honourable gentleman was, to take the administration of the government out of their hands, in which it was at present placed. But he begged that ministers might be judged of by comparison.

Mr. Windham, made a very elaborate speech, and other gentlemen followed.

The house divided:

For Mr. Ponsonby's motion 127
Against it - - - 220

Majority - - - 93

Feb. 27. Sir Samuel Romilly gave notice of a motion, for Wed-

nesday, for leave to bring in a bill to alter and amend the laws relating to bankrupts. The objects, he said, were numerous and important, and the explanation at that moment would occupy more of the attention of the house than was customary in giving mere notice of a motion. He should therefore postpone explaining the nature of the bill until the day of his motion.

The secretary at war then proceeded to move the army estimates, upon which he stated, that several exceedings would necessarily accrue under different heads of estimates, upon comparison with those of the last year; part of which arose from necessary occurrences of expenditure, as the increase of the public force both in the line and militia, the staff of garrisons, and the staff abroad; the increase of objects upon the Greenwich and Kilmainham hospitals, the pensions to widows, the additional deputy paymasters, and some increase of salary to the junior clerks in the war offices, with the necessary addition of some supernumeraries, occasioned by the pressure and increase of business in that department. Many of these exceedings again were merely nominal, and not a real increase; for they had been uniformly paid before under the head of military contingences: but in compliance with the recommendation of the finance committee, it was deemed right to bring every charge which was ascertainable under some specific head of estimate; and where the estimate of the preceding year had fallen considerably short of the real expenditure, it was deemed right to make the estimate for the present at the real amount which experience had proved it to be. There was also another head of expenditure, where the sum charged

would greatly exceed the reality, namely, the clothing for the local militia. This estimate was for four years, and therefore only one-fourth of the sum was really chargeable to the present year, although the whole must be advanced. But against the expense of this corps, there would be a considerable saving from that of the volunteers, great numbers of whom had transferred their services to the local militia. The right honourable secretary, as he went on, specified the several sums of exceeding, and said, he was ready to answer any objections that might be offered.

Mr. Martin said, that upon the military estimate of the present year, so great an exceeding as 1,500,000*l.* over that of the last, when the burdens of the people were increased to such a pitch, was a subject that called for the most minute and

satisfactory explanation. In the office of paymaster-general, for instance, there was a charge for deputy paymasters of 54,771*l.*, exceeding by 20,000*l.* the estimate for the last year. This surely called for some explanation, more especially as it was understood that some of those persons performed their official duties by deputy; the paymaster of Gibraltar, for instance, who, he understood, never was seen there, but received his salary as a sinecure. Upon the charge of the office of secretary at war, 54,848*l.*, there was an exceeding over the last year of 27,848*l.*; on the head of foreign corps there was another exceeding of 70,800*l.*, and under other heads there was a sum of 54,000*l.* consisting entirely of new charges.

A conversation of some length took place, when

The following sums were voted for the following purposes:—

	£.	s.	d.
Land forces (including various miscellaneous services, - - - - - }	7,582,378	16	11
Regiments in the East Indies - - - - -	666,373	5	0
Troops and companies for recruiting ditto - - - - -	29,322	10	0
Embodied militia - - - - -	3,048,647	19	5
Staff and garrisons - - - - -	449,649	7	9
Full pay to supernumerary officers - - - - -	31,796	1	3
Public departments - - - - -	257,711	13	3
Half-pay and military allowances - - - - -	233,568	5	1
In-pensioners of Chelsea and Kilmainham hospitals - - - - - }	67,143	14	11
Out-pensioners of ditto - - - - -	425,269	1	9
Widows' pensions - - - - -	49,437	11	8
Volunteer corps - - - - -	1,000,820	0	0
Local militia - - - - -	1,219,803	0	0
Foreign corps - - - - -	933,654	6	10
Royal military college - - - - -	16,975	17	4
Royal military asylum - - - - -	23,350	9	2
Allowances to retired and officiating chaplains - - - - - }	24,972	12	11
Medicine and hospital expenses - - - - -	115,024	8	4
Compassionate list - - - - -	14,300	0	0
Barrack department (Ireland) - - - - -	479,857	16	11
Commissariat department (Ireland) - - - - -	235,508	14	2

March

March 1. Sir Samuel Romilly rose, not, he said, merely in pursuance of his notice a few evenings since, but of the intimation which he gave to the house three years ago, to move for leave to bring in a bill to alter and amend certain of the bankruptcy laws. He had before the honour to suggest to the house the urgent necessity of some alteration in the system of those laws. He did not mean to attempt any thing like a total change, however desirable that might be. It was his object to point out some of the most prominent defects, and to submit to the house such remedies as appeared to him not difficult to carry into effect. He feared that he must still leave many points untouched, respecting which it was to be wished some material change should be adopted. It would be extremely desirable to abolish the whole system of those laws, and to enact others more eligible in their stead. This, however, he had not the courage to attempt, but must leave the task for some more able advocate at a more propitious opportunity. For the present, it was necessary to trespass shortly on the attention of the house, in pointing out the particular defects which it would be the object of his bill to remedy.

The first was, that, by the bankrupt laws as they now stood, although the debtor surrenders the whole of his effects under the commission, there were often creditors to a considerable amount who could claim no dividend; and the bankrupt, though deprived of his last shilling, was still liable to be arrested by such creditors, and imprisoned for life. The creditors to whom he alluded were those who, being joined in the same securities with the bankrupt, could not prove

any debt against him, until they should first pay the amount of those securities, which often did not occur until the last dividend was made. This circumstance placed both in a situation from which it was highly necessary to relieve them; and an obvious remedy was attainable by enabling the creditor to prove his debt at any time before the final dividend should be paid.

The next evil, which became a frequent cause of complaint, was; the assignees, after taking the whole of the bankrupt's effects into their hands, delayed paying to the other creditors their dividends, until the assignees themselves became bankrupts; in which case the other creditors, instead of having their fair portion of the original bankrupt's estate, received but a very small portion of it indeed, from the wreck of the assignees' affairs. A bill was proposed in the house of lords, in the last session of parliament, for imposing a heavy penalty upon assignees who kept in their hands, beyond a certain time, the effects of the bankrupt, and for the levying of which numerous officers were to be appointed. It appeared to him, however, that a more eligible remedy could be attained without such appointments, by obliging the assignees to lodge the effects in the hands of some banker. He should therefore propose a clause in the bill, enacting, that where the creditors neglected, at or before the second meeting after the issuing the commission, to appoint a banker for this purpose, the commissioners should be imperatively obliged to appoint one; and when the assignees should fail, after a given number of days, to pay in the effects to such banker, the then commissioners should be empowered to charge them

them in account with 20 per cent. upon the money remaining in their hands.

The next point to which he would call the attention of the house, was the heavy expense of proceeding under statutes of bankruptcy. As the law now stood, it was necessary to prove some act of bankruptcy, on the part of the debtor, before a commission could issue; and it frequently happened, that the party, conscious of the difficulty of such proof, relied upon it to set aside the commission, and the proceeding was attended with very considerable expense. To remedy this, he should propose a clause to render it unnecessary for the assignees to produce their proceedings, unless the debtor shall serve notice, within a given time, that he means to contest the commission.

Another matter he proposed to remedy was this: assignees were exposed to expensive proceedings for non-payment of dividends when once declared; instead of which proceedings by actions at common law, he should propose a more summary mode of relief to the claimant by a petition to the lord chancellor.

The next topic to which he would advert, regarded a grievous oppression to which his majesty's subjects were often exposed, and the remedy which he should propose was, to take away from the creditor the power of refusing a certificate to the bankrupt who shall have made a fair and full disclosure of his effects. He intreated the house to consider for a moment the situation of an uncertificated bankrupt. He could follow no business: his industry must be lost to himself, to his family, and his country; and notwithstanding that

he had surrendered upon oath his last shilling, he was still liable to debts due before his bankruptcy, and to be imprisoned for life at the will of any exasperated or inexorable creditor. It was enacted by an act of the 5th Geo. II. that unless the certificate of the bankrupt be signed by creditors whose debts amount to four-fifths of the whole in number and total of his debt, such certificate shall be null and void, however honourably the bankrupt may have acted, and although his failure might have been the result of inevitable misfortunes: and even though not only four-fifths, but the whole of his other creditors in number, may be convinced of his integrity, and be ready to sign his certificate, a single creditor, whose claim may be just sufficiently large to enable him, by refusing to sign, to defeat the certificate on the score of the four-fifths in value, may not only deprive this unfortunate man of all future livelihood by industry, but may consign him for the remainder of his days to pine and rot in a gaol. But this was not all; for if any creditor should refuse to come in as a claimant under the statute against the bankrupt's estate, he may nevertheless prove his debt for the purpose of increasing the aggregate sum, and defeating the bankrupt in the attainment of a certificate from creditors to the amount of four-fifths in value; and thus consign him to prison for life. Was it possible that a more aggravated grievance could exist, or that any man could render his country, or the cause of humanity and justice, a greater service than by contriving to get rid of this oppressive system altogether? Was it to be believed that, under the mild and constitutional jurisprudence of England, a

usage

usage could be permitted to exist under the sanction of law, which places a man, for no crime but poverty, at the mercy of his creditor, who is at once made judge and executioner in his own cause; and, at his mere discretion, may imprison his debtor for life—not because he has acted dishonestly—not because he has withheld any part of his property—for that, if proved, would be a capital felony—but because he cannot pay that of which the law has deprived him of all possible means of payment? The consequence of this state of the law was, that a debtor, against whose integrity there is not the slightest colour even of suspicion, may be sacrificed to the caprice or malice of an individual creditor, with whom he may have been a competitor in trade, or to whom he may have, at some former time, given an offence. In honest commissions of bankruptcy, such instances most frequently occurred; but in fraudulent commissions they rarely happened. The scheme of oppression was generally directed by some one or two rapacious creditors to extort money from the bankrupt or his friends. He spoke not from conjecture, but experience in the course of practice. What then was the temptation held out to fraud on the bankrupt, who was often induced to withhold part of his property from his honest creditors, in order to bribe the rapacity of some merciless individual amongst them? It frequently happened, that when the bankrupt had not money to pay for his certificate in this way, he found means to effect it by another species of fraud, namely, by permitting the creditor whose obduracy he feared most, to prove a larger debt under

the commission than really was due to him: and it was only yesterday that a case of this sort occurred within his observation, where a man was refused his certificate, because he signified to one of his assignees, that a principal creditor was about to prove a larger debt than he had a right to claim, and who, consequently, refused to sign his certificate. Such were the effects of a law which constitutes a man judge and executioner in his own cause. Another evil was, that until a bankrupt obtains his certificate, he cannot be admitted as a witness in any thing that concerns his estate. Here again was another impediment to his certificate, as it often happened that the creditor upon whose discretion the grant of that certificate depends, was engaged in some contest about the bankrupt's effects, and therefore wished to keep back his testimony by withholding his own signature.

In fraudulent commissions, there was neither difficulty nor delay in obtaining the certificate; but the oppression fell for the most part upon the candid honest bankrupt; and the misery and oppression cast upon numbers of families, by such means, was inconceivable to those who were not witnesses of their effects. In 1805, there were 940 commissions of bankruptcy issued in England, under which only 405 certificates were granted. In the last year, there were 1084 commissions, and but 601 certificates. In the last 20 years, out of 16,202 commissions, there were but 6597 certificates; and yet the only measures of relief granted by the British parliament, since the reign of Geo. II. to bankrupts refused certificates, were first, in 1772, a clause

clause to enable bankrupts to petition the lord chancellor for redress; in 1778, a similar provision to enable the lord chancellor to grant certificates when unreasonably refused by the creditors. It might be asked, what there was in the state of the atmosphere in this country in those years, that rendered redress to those unfortunate men fit then, that was not equally fit now? In Ireland, bills were passed by the parliament in 1786, 1797, 1799, and 1800, for the relief of uncertificated bankrupts in like cases; but since the Union nothing had been done; and the uncertificated bankrupt in that country remained exposed to the same oppressions as in this.

The remedy he would propose for this grievance was, not to take from creditors altogether the privilege of refusing certificates; but if they continued so to refuse for a lapse of two years, then the debtor should be at liberty to petition the lord chancellor for redress, allowing the creditor, at the same time, to lay before the chancellor the grounds of his refusal, upon which his lordship should decide; and upon such proceedings, as the debtor only struggling for his liberty could ill compass the means of expense, he trusted there would be no objection to exempt him at least from the cost of stamp duty; an impost which, on the proceedings of law in this country, had the most mischievous operation, and was highly unpopular in every part of the nation. This right to petition the chancellor, it was his purpose to extend to all bankrupts who had been now for two years refused their certificates.

There was one other point on the subject of the bankrupt laws, in

which he hardly expected any great portion of the house would concur with him, namely, the wish to alter that heavy severity of them which awarded, for the concealment of effects, the forfeiture of life. As he proposed a measure of redress to the honest bankrupt, he might fairly be asked how he would deal by the dishonest. He feared his opinion might seem a little singular in the measure he would suggest. It was to take away the capital punishment, which had the effect of rendering the 5th of Geo. II. in 1732, a dead letter, and, by rendering the law less severe, to secure its operation. There could be no doubt that, in the period of near 80 years since the act passed, innumerable and gross frauds had been committed by bankrupts under examination, by which they had forfeited their lives, had they been prosecuted; but the horror of the punishment, and the mercy of the creditors, defeated the severity of the statute, and secured impunity to the delinquents; for, from that time to the present, there had been but three capital convictions: one of these was in the year 1759, where execution followed, and another last year (the case of Bullock), where it afterwards appeared that facts in his favour might have been proved on his trial which were not proved: and his sentence was arrested on the opinion of the twelve judges. No doubt a bankrupt who concealed his effects incurred great moral guilt: still he was not a man who surrendered voluntarily, but by force. He had strong temptations in the apprehension of distress and misery to himself and his family. But where, it might be asked, was the impartiality of the law, which would consign

sign a tradesman to an ignominious death, for a fraudulent concealment, to even a trifling amount, from his creditors, while the gentleman of birth and education, moving in high rank, often retired to a gaol, to spend thousands of the property of himself and his creditors, and refused, with impunity, to pay a shilling?

With respect to the bill he now proposed, he did not mean to precipitate it, but would barely move to have it printed after the first reading; and he would postpone the second reading for a month longer, if necessary.

The honourable and learned member concluded by a pathetic picture of the accumulations of wretchedness that had been so many years sustained by deserving families, consigned to beggary and disgrace, through the severity of the bankrupt laws and inexorable creditors. Had some such bill as this been passed early in the present reign, what misery to thousands would have been prevented! what valuable exertions of talent and industry would the country have gained! How many honest hearts would beat high in the reflection of having, by industry, surmounted early misfortunes, and have exulted in the opportunities of discharging with honour those engagements which persecution and oppression have rendered totally impracticable! He concluded by moving for leave to bring in the bill, which was agreed to, *nem. con.* The bill was brought in, and finally passed into a law.

March 6. Mr. Whitbread, in rising to bring forward the motion respecting the conciliation with America, of which he had given notice, observed that the question to which his motion referred was of such importance to the dearest

interests of the British empire, that he could not too solemnly claim the attention of the house to the state of our relations with America—to that chain of causes, that series of events, which had led to the present situation of the two countries, and which might terminate by involving them in a war, unless arrested by the wise and temperate, but effectual and salutary, interference of parliament. America, it was true, was not arrived at the fulness of her growth, yet had she already shown herself

“Non sine Diis animosus infans.”

She had risen with a gigantic strength; she had broken asunder the fetters of this country; she had, in the plenitude of British power, forced us to abandon our claims upon her, and to acknowledge her own independence of us. Yet had America not used that strength, which she had thus proved, to oppress Great Britain, which wished to oppress her, but to assist Great Britain in the moment of her trial. America was the power, which, if allied with us, would enable us to cope with the living world; and now that Great Britain had the living world against her, with the exception of America, there could not be a doubt of the expediency and importance of any measure which could tend to the close and intimate union of the two countries. But the statesmen of the present day, uninstructed by experience, uninfluenced by example, unwarned by events, seemed to rush blindly into that system which had already torn America from the body of the British empire. America had proffered to us to unite with us in the struggle; and yet where the object was of such consequence, our government had rejected her proffer, and upon a false point of honour,

honour. The result was, that we may, at this moment, be considered as on the eve of a war with America. He was aware of the great influence which all questions respecting our external relations had upon the interests and internal situation of this empire; and though he was ready to admit the importance of the subjects which had been submitted to the consideration of the house by his noble and right honourable friends (Lord H. Petty and Mr. Ponsonby), he was still firmly persuaded, that the question he had that night to bring under the consideration of parliament, was of paramount interest and importance: because he hoped that the discussion of it would lead the government to retrace all its former errors, to heal all the existing differences, and to adopt effectual prospective measures for the establishment of a permanent union and good understanding between the two countries. (*Hear! hear!*) It became that house to interfere with its authority, because the right honourable gentleman (Mr. secretary Canning), aided by his colleagues, had closed the door against conciliation with America, which was not now to be expected but through the authority of parliament. He well knew that he should have great authorities in that house against him on this occasion: one honourable and learned gentleman (Mr. Stephen) he saw in his place, and another right honourable and learned gentleman (the master of the rolls) he saw just entering. He was fully aware of the disadvantage under which he should labour against such authorities, because unhappily the force on his side had been diminished. He had to lament that he could not avail himself of the authority of that great civilian (Dr. Law-

rence), with whom he had uniformly the happiness to think and to act; but now that Dr. Lawrence was no more, he might be permitted to pay the tribute that was due to his integrity and his talents. Whatever distinguished individuals may remain, either in his particular department, or in the more extended branches of his profession, he was convinced that it would be admitted on all hands, that in Dr. Lawrence that house and the country had lost a vast fund of knowledge, an exemplary instance of public virtue, and as large a proportion of political integrity as had perhaps ever fallen to the lot of any individual. (*Hear, hear.*) Anxiously did he wish that he could have the support of that great civilian on this question, or that he had left his mantle to any person to supply the loss of his great authority. Yet feeble as he felt himself, and inadequate to the task as he must be, to the combat he should go forth, armed with his scrip and his sling, and enter the lists with those mighty Goliaths whom he had to encounter. But in entering the lists against them, he should beg leave, as was the practice in the chivalrous ages, to make a few preliminary stipulations. First, he should stipulate, that when he acknowledged himself the advocate of America against Great Britain, upon a conviction that justice was on the side of America, he should not be taunted, as was usual, as the advocate of the enemies of this country. In pleading the cause of those who were right, if he could obtain for them justice, he felt that he would be pleading in effect for those who were wrong. He had pledges and connections as dear as any man to bind him to his country: and though he might plead the cause of France or America

rica against Great Britain, when justice was on their side, he trusted that he would not be the last man to vindicate the honour and true interests of his country. Here the honourable member went into a most elaborate, forcible and eloquent discussion of the subject, in which our limits do not allow us to follow him. He concluded: When we had enemies all over the world, when we were to have the French navy, the Spanish navy, the Dutch navy, and all the naval population of Denmark and the countries on the Baltic, united against us, he thought it would be most impolitic to go to war with America also. The house should recollect the situation of their merchants, the debts which were due to them from America, the diminution of their exports and imports, and the increasing distresses of their manufacturers. They should recollect that we are a people of factitious greatness; he meant by this, that we could not be so great a people, or hold the same rank, without commerce. France can exist and be powerful without commerce: America can be great without commerce; but if England should be thrown back upon its own resources, how could its navy be supported, or how could its people be fed? Those persons who thought lowly of the American character should consider, that neither Great Britain nor France, ancient or modern times, had scarcely produced a man who could be compared with the illustrious general Washington, or few philosophers could rank so high as Benjamin Franklin. He could not avoid addressing the moralists in that house in the same language that the illustrious Washington addressed to his country when he quitted the

presidency: "Observe, above all things, good faith and justice to all nations. Cultivate peace and harmony with every country. Religion and sound policy alike dictate this conduct; and by pursuing it you may set a noble example to the world." He was convinced that, by pursuing a proper conduct towards America, we should have her on our side in the great struggle in which we were engaged; and he deprecated the forcing her to associate herself with the enemy. He then moved

"That an address be presented to his majesty, humbly representing, that whereas certain decrees respecting the trade of neutrals had been enacted by the enemy, in consequence of which, and the alleged acquiescence of the neutral powers, his majesty had been advised to issue certain orders in council, which were afterwards confirmed by different acts of parliament; and that the American government, alarmed at those acts, did order an immediate embargo, which they afterwards offered to take off; that it appeared to this house, that such an offer on the part of the American government was just and equitable in its principle, and highly advantageous to the interests of this country; and that there was reason still to hope and believe that every difference with America might be amicably and speedily adjusted."

Mr. Stephen answered him with much point, and several other gentlemen spoke on both sides of the question.

Mr. Whitbread replied: and on the division there were

For the motion	-	-	83
Against it	-	-	145

Majority	-	-	62
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March

March 27. Mr. Whitbread rose, and said he held in his hand a petition, signed H. H. White, a prisoner in the gaol of Dorchester, under the sentence of his majesty's court of King's Bench, in consequence of a conviction of the publication of a libel ; and another petition from a person named Hart, confined in the gaol of Gloucester under a similar sentence, and for the same offence. For the veracity of the circumstances alleged in these petitions he did not undertake to vouch ; but he considered it his duty, as a member of parliament, to comply with the request of the parties, in presenting to that house the petition of any British subject, when couched in respectful and decorous language, more especially upon a subject so nearly concerning the liberties of every individual. The petition complained not only of informality in the proceedings of the court upon the petitioners' trial, but of extreme hardship and severity sustained in prison since their commitment, and which he should hope it never could have been the intention of the court to inflict. If these allegations were founded, they ought to be inquired into, in order that they might be redressed ; and if they were untrue, it was right, nevertheless, that they should be stated, in order to give an opportunity for their disproof, that the public might really know the facts ; not only as they concerned the petitioners, but every British subject. He moved that the petition be now received. It was accordingly received and read. It was signed by H. H. White. It stated that the petitioner was proprietor of a Sunday newspaper, called *The Independent Whig*, published in Warwick-square, London ; and that in consequence of certain letters pub-

lished in the said newspaper in December 1807, and January 1808, alleged to be libellous, proceedings were commenced against him by his majesty's attorney-general, *ex officio*, in his majesty's court of King's Bench, and that the information filed thereupon did not allege that any part of the said letters so stated to be libellous, was untrue, which circumstance was contrary to the legal usage of the said court ; as, for above thirty years, no information has been filed in that court for any publication alleged to be libellous, wherein such publication was not also stated to be false. That in selecting a special jury for the trial of the said charge, the choice of the pannel was not left to the sheriff, as it ought to have been, conformably to the constitutional administration and usage of the laws of England ; but was left to the master of the crown-office, who had thereby a power of acting partially in the selection of jurors, which was accordingly the case : for the jurors nominated and summoned were not called upon for their fines, as is usual in such trials, but their names passed over, upon a mere allegation that they could not attend : that such practice was subversive of the constitutional administration of the laws of England, which, in order to secure impartial juries, require that no sub-sheriff shall act for two years in succession, lest, by knowing intimately the jurors of his bailiwick, he should be thereby enabled to make a partial selection. That the petitioner, when convicted by such jury, was sentenced to a punishment not only equal to, but greater than in the generality of other cases wherein the publication charged has not been proved to be false. That the petitioner

was

was committed to Dorchester gaol, instead of being, as he ought, committed to the custody of the sheriff of the bailiwick wherein he was convicted, the magistrates of the county of Dorset having no power in such case, but under a partial exercise of the law. That submitting these circumstances to the wisdom of that honourable house, he begged further to state, that at the time of his committal, on the 6th of July, 1808, he was in a dangerous state of health, a certificate of which was produced from an eminent physician; notwithstanding which, he continued for the first three months of his imprisonment confined to a small apartment, without the benefit of free air, except for about half an hour each day in a confined space, crowded with persons imprisoned for smuggling and other offences; and that being affected with a bilious complaint in his head, the circular direction in which he was obliged to walk, in a space so confined, greatly affected him. That he applied to the magistrates to be allowed to walk in the garden of the prison, a liberty which had been granted to Mr. Gilbert Wakefield and Mr. Redhead Yorke when confined there; but that this liberty was positively refused to him, until, through the interference of a humane magistrate, he was allowed, since the month of October last, to walk in the garden for a quarter of an hour per day accompanied by the gaoler. That he had a wife and two children, with whose company and attendance he was desirous to be indulged during his ill state of health; but that this consolation was refused him, until after the interference of the humane magistrate before-mentioned, and since that time they were only ad-

mitted to him three days in a week, and this at a late hour of the day, which considerably shortened the time of their continuance with him; and finally, that by the expenses of removing his wife and children to such a distance from London, and the charges of finding for them a separate residence, he was involved in expenses more heavy and severe than the court would have inflicted, had his punishment been awarded in the way of fine. Submitting, therefore, the premises, he prayed such relief as to the wisdom of the house should seem meet.

Mr. Calcraft said, that as a magistrate of Dorset, and knowing something of this business, he felt it his duty to state what he knew to the house. In consequence of some representations made to him by a worthy member of that house, he was induced to visit Mr. White, who stated to him that in his ill state of health he wished to be indulged by the admission of his wife; and upon his (Mr. Calcraft's) inquiring of the gaoler, he was informed, ever since Mr. White came there, his wife and son were admitted several hours in the day, and during his illness constantly by day and by night, and since that regularly for eight hours a day, six days in the week. He then complained of the confined space in which he was allowed to take the air for an hour each day, and expressed a wish to have the same indulgence of walking in the garden as Mr. Gilbert Wakefield and Mr. Redhead Yorke; but, upon application to the magistrates for this purpose, their answer was, that he could not be allowed this indulgence, because Mr. Gilbert Wakefield had made a very bad use of it; for the garden commu-

nicated.

nicated with several parts of the gaol, and he employed this indulgence in exciting disturbances among the prisoners. They however agreed that Mr. White should take the air in the garden for an hour per day, accompanied by the gaoler or some trusty person, either all at once, or in such divisions as he chose. This he communicated to Mr. White, who expressed himself perfectly satisfied and thankful, and promised that, if he should have any future cause of complaint, he would communicate it to him (Mr. Calcraft); and as to his allegation of close, confined, and unwholesome apartments, he could only say, that although the gaol was not provided with apartments on purpose for persons of his description, yet as there were no female debtors now in the prison, he was accommodated with the apartments allotted for them; and that the room in which he was lodged, was as airy and comfortable as any he himself had ever occupied in any of his majesty's barracks where he had been quartered. He therefore lamented that Mr. White should have suffered himself to be prevailed on to present such a petition.

The speaker, on looking at the petition, felt it necessary to apprise the house, that there appeared on the face of it several erasures and interlineations, and therefore, in point of form, it could not be considered as the petition of the person who signed it.

Mr. Whitbread said he was not conscious of any informality in these circumstances; the erasures and alterations were made by the son of the petitioner, who had delivered the paper to him. He would, however, with the leave of the house, withdraw the petition, on

the ground of its informality. It was afterwards amended, and on the 24th of April presented again by Mr. Whitbread, who took the opportunity of denying the assertions respecting the misconduct of Mr. Gilbert Wakefield. On this occasion the honourable member displayed as much of humanity and real kindness, as eloquence, in the cause which he brought before the house.

The petition was ordered to lie on the table: but the house taking no further notice of it, the cause was carried to the house of lords, and on the 16th of May counsel were heard at the bar on a writ of error.

Mr. Clifford contended, that the sentence pronounced was irregular, and contrary to law. For this purpose, he cited various cases, drawn from the different periods of our history, from which he endeavoured to show that the court of King's Bench could, constitutionally, execute its sentences of imprisonment only in its own prison, or in the prison of the county where the act was committed for which punishment was inflicted, or in the prison of the county where the court was sitting. It was, he said, one of the principal grievances alleged against the oppressive court of Star chamber, that they sent persons to distant prisons. He maintained, that in the case drawn from the best times, where the judges had departed from the constitutional practice, they had almost invariably assigned some particular reason for such a deviation. It was only in very recent times that this practice had become more frequent. He then alluded to the cases of Gilbert Wakefield, Redhead Yorke, and Kidd Wake, and argued that such instances

instances by no means created precedents to justify a practice, if such practice were contrary originally to the law and constitution of the land. He quoted the words of the late earl Camden concerning general warrants, who had expressly said, that the practice of public officers, though the instances might have been frequent, and passed over, were yet not to be considered as sufficient precedents for their justification, and could not be considered as the law of the land. In such cases as the present, the poverty of individuals might frequently prevent them from ascertaining the validity of the practice. His next great objection was to judgement, as founded on the wording of the information, which charged the parties with commenting on the conduct of a court of justice, without stating whether those comments were true or false. How would a sentence upon such an information affect an individual, with respect to the severe necessity he was put to of finding security for his good behaviour for five years after his imprisonment came to an end? How difficult might it be to procure securities, when ill behaviour was so loosely defined in the information! Might it not operate as a kind of perpetual imprisonment? A man could hardly carry on such an occupation as that pursued by these parties, with the least safety, if he were liable to be accused of misbehaviour for merely commenting on the conduct of a court of justice. He concluded with a forcible and eloquent appeal to their lordships, who, he trusted, would not encourage or sanction a practice that in worse times was considered so oppressive and unconstitutional, but which, peculiarly under the milder reigns of the house of Brunswick, ought not to be allowed.

The attorney-general replied to Mr. Clifford, and contended that the judges had done nothing but what the law of the land fully enabled them to do, and justified them in doing. He was almost surprised to find that any text writer had thought it necessary to declare that they had such a right: yet, however, he found it distinctly stated in Hawkins's Pleas of the Crown (from which he read an extract) that the court of King's Bench could send either to their own prison or to any other prison in England. Indeed this was the law and the common sense of the case. The court of King's Bench was the chief and presiding criminal court in the kingdom, and was not confined after the manner of some inferior county courts. He then produced a great number of instances to prove, that persons were punished by imprisonment in a district or county distant from that in which the court sat or the offence was committed. In some cases, persons who had committed crimes in places as remote as Somersetshire and Devonshire were imprisoned in Newgate, in the city of London. In other cases, sentences of pillory and public whipping were executed in two or three places; as for instance, at Westminster, the Royal Exchange, and in Southwark, all in different districts. As to the insisting on security for good behaviour, it was a constant practice towards libellers, and could not merit the appellation of perpetual imprisonment: for, if the party could not get a security, he was, at the end of those five years, free, there being then nothing on which the question could attach. But, if otherwise, it was too much to say that there was oppression. No: it was the man's own fault, if his friends were so fearful of his again committing

committing the offence for which he had suffered the merited punishment of the law, that they would run no risk to procure him his liberty. He was confident of the legality of the sentence, and he thought, whatever might have been said by lord Camden of the practices in the office of a secretary of state, that his lordship would have talked differently of the decision of the first court of criminal jurisprudence. As to the objection taken against the terms of the information, he observed that there were other extrinsic circumstances that weighed with the judges in considering their sentence. The man himself must know well what was the nature of his fault, and what was intended by good behaviour in future. He had been asked questions himself often, by persons who wished to know what part of a writing intended for publication could be considered as libellous. If this man asked the learned gentleman such a question, he hoped he would give such an answer as he himself had done in such cases; that he would decline giving him such information as might teach him how near the wind he could go in the work of libelling, without coming under the arm of justice. The attorney-general made a variety of other remarks in defence of the sentence.

The solicitor-general was about to follow, when the house adjourned the further hearing till Thursday next, at two o'clock.

May 18. Their lordships met at two o'clock, and most of the judges attended.

The solicitor-general (sir Thomas Plomer) spoke for about two hours with much animation, in defence of the right of the court of King's Bench to pronounce such a

sentence as it had done in the case of White and Hart, the editor and printer of the weekly newspaper called The Independent Whig, who had been convicted of a libel on that court in the administration of justice. He contended that there was no foundation for the theory laid down by the learned gentleman (Mr. Clifford) on the other side, on Tuesday last, when he attempted to maintain that the court of King's Bench had no right to execute its sentence except in a gaol of the county wherein the offence was committed, a gaol in a county where the court actually sat, or their own peculiar gaol. He reviewed the historical part of that learned gentleman's speech, and examined his arguments as drawn from the instances of distant imprisonment in virtue of sentences passed by the court of Star Chamber. He controverted the statement, that the court of Star Chamber owed its abolition in any principal degree to such punishments. The punishment which gave offence to parliament of this nature, was not one that sentenced to distant prisons (as they were called) in England, but in the cases of Prynne, Bastwick, and others, who were sent to the islands of Jersey, Guernsey, and Scilly. It was not correct in historical fact, to say, that the abolition of the jurisdiction of that court was owing to such causes. There were other and weightier causes assigned for that measure. It was in point of fact, not the sentences passed, but the whole proceedings of that court previously to the passing of such sentences, that alarmed the fears, awakened the jealousies, and procured the votes of parliament which effected its abolition.

In support of his observations, he

he referred to lord Clarendon. He noticed some expressions which had fallen from the learned gentleman, respecting words used by Bastwick when undergoing his sentence in Palace-yard, and desired to know by what modern lights it was discovered that the sayings of a man in Palace-yard, addressed to the mob, were to be introduced by lawyers, or received in a grave and learned assembly, as matter of illustration, reference, or precedent. He observed that the cases in which the learned gentleman attempted to make out any thing in his support were all anterior to the Revolution. That learned gentleman, he contended, was, from various instances, of which he cited several, from which he endeavoured to show the weakness of his arguments, erroneous in his notions respecting the right of the court of King's Bench, even previously to the æra of the Revolution. There was much said about good times and bad times; but he should like to know into what political dictionary he was to look for a definition of which were the good times and which were the bad times. There was always enough of that sort of argument to be met with whenever legal precedents were resorted to, whatever be the nature and necessity of the case. Coming down, however, to the period of the Revolution, he believed it would be obvious that in those best times, the mode of punishment now asserted to be illegal was most frequently practised, and yet no doubts had then been raised as to its propriety and its legality. The learned solicitor then asserted, that in the times of seven chief justices and twenty-two judges, he had not less than twenty-one cases in point to offer to the notice of their

lordships. Beginning with lord chief-justice Holt, he continued with other instances from lord chief justice Parker, lord chief justice Mansfield, lord chief justice Kenyon, &c., up to the present time, during all which course so many excellent constitutional puisne judges had also sat on the bench in that high criminal court; in all which cases judgement had been given and executed wrongfully and illegally, if the judgement in the present case were to be deemed illegal. He dwelt particularly on several individual cases, especially one in which a man was found guilty of perjury before a committee of the house of commons on the Hindon election, and was sent to Hindon to be set upon the pillory in that place, where his example was likely to produce the most beneficial effects; and another, in which, for a crime committed in Wales, the convicted person suffered at Kennington, in Surry. He mentioned another case of a distant crime, for which the execution took place at St. Thomas Watering, Kent; and an old instance of a man sent to Portsmouth to be executed for desertion or cowardice, because that was the place where the execution of that sentence would probably be most exemplary and beneficial. He recited all the cases mentioned on Tuesday by Mr. attorney-general, and contended for the strict applicability of the more recent instances. But it was not merely on the cases he had cited, but on the general principles of the question, that it ought to be decided. The court of King's Bench was the chief criminal court in the kingdom. It was so described by all the ancient as well as modern lawyers of repute. It was so called by Coke,

who stated its antiquity and its power. It had a great part of the ancient *Justiciæ Angliæ*. Its jurisdiction was called *capitalis* and *generalis*, to show its universality and general superintendence. Hawkins, in his Pleas of the Crown (one of the best writers and authorities), had fully stated its extensive powers. It could, he contended, be restricted by none of those restrictions which confined the powers of inferior county courts. And were the decisions of the judges of such a court to be treated like the practices of the office of a secretary of state, and such arguments supported merely by what lord Camden had said of the usage of such offices; usage that had never before been made the subject of a solemn decision in a court of law, or by any arguments against the exploded practice of the exploded court of Star Chamber? In the many recent instances of imprisonment in distant gaols, was it to be believed that the poverty of the individuals was the reason that prevented them from trying the merits of the practice of the judges? Had they not always sufficient legal assistance? Was there not a learned lord then at that bar, of which he was the great ornament, who had so often exerted the greatest eloquence the bar ever knew in defence of such individuals, and who left nothing undone that zeal and talents could effect? And would he have left a stone unturned on behalf of his clients, if he had conceived the possibility of attacking the legality of the sentences pronounced upon them? After a number of other remarks, the honourable gentleman concluded.

Mr. Clifford made a long reply. He said he wished the learned gentlemen to look into the general

principles of our laws more accurately; they would see reasons for his view of the nature of county gaols, and the authority of courts. These gaols were the county gaols; they were built, repaired, and maintained at their own expense. They were obliged to keep the prisoners, they were liable to fines for offences committed within their county limits, which it was presumed they ought to have prevented. All the gaols were the king's gaols, it was perfectly true, and so were all the courts of justice; but yet this was so, for the purposes of public benefit and public protection, and was limited by a variety of restrictions, conditions, and limitations. All the high roads, in the same way, were the king's roads (though much of these might be private property); but they were the king's, for the convenience and protection of his subjects in passing from place to place. The cases of imprisonment or execution in the city of London, pursuant to sentences passed in Westminster, presented no difficulty; since, in fact, the sheriffs of London were sheriffs of Middlesex, and the prison of Newgate was the prison of both. The learned gentleman went through a wide field of argument and illustration in support of the principles which he had asserted: he quoted the declaration of the bill of rights against excessive bail, and unusual and cruel punishments; and concluded, after a variety of other observations, a very argumentative and ingenious speech, by protesting against the imputation of evil designs in this case, and deprecating such insinuations against the people of this country.

The counsel having left the bar, the lord chancellor rose, and briefly stated that he had no doubt on his

mind

mind respecting this question. Important as it was, it was not attended with much difficulty. It was his intention to move a question to be put to the learned judges upon the subject. His lordship then moved, That a question be referred to the judges for their opinion, "Whether the court of King's Bench could send any person convicted in their court at Westminster to any gaol in England?"

Earl Stanhope objected to the want of precision in this question. His lordship lamented that he had not been present at the commencement of this cause on Tuesday, in consequence of which he should give no vote on the subject, as he had not heard all the arguments. But he expressed his astonishment at the language he had heard that night at the bar from the solicitor-general (for whom he had a high personal respect) imputing bad motives to the other side. His lordship mentioned several cases of punishment of recent date, which he thought comparatively slight: one particularly, a case of perjury, (one of the most dangerous of crimes to society,) which had only been punished by three months imprisonment. There was another, (as quoted by the solicitor-general) of a man convicted of an attempt to blow up the King's Bench prison, a crime which involved an attempt at murder, nay, at many murders, and yet only punished with three years imprisonment, and no after security required. Let their lordships compare these with the crime and punishment of these poor printers. He thought the courts should have some better scale and measure for the punishments they inflicted on crimes so different in degree.

The lord chancellor, after some

observations, amended the question to the following effect:

"That it be referred to the judges, to know their opinion whether the court of King's Bench, in the case of the conviction of a person at Westminster, could legally send such person to any prison in England, other than the prison belonging to the court, the county prison where the offence was committed, or that where the court held its sittings? And also to know whether sureties for a reasonable time, for the good behaviour of such person, could be legally required?"

On the question being handed to the judges, their lordships' (the judges') opinion was delivered to the house by sir James Mansfield, lord chief justice of the common pleas. His lordship began by observing, that it was now fifty years since he had been made a member of the profession of the law, and he had never during all that time doubted or heard a doubt started of the right of the court of King's Bench now called in question. Many cases had been cited, which it was not his intention, or that of his brothers, to enter into. A sufficient number of instances, both in ancient and in modern times, had been shown to prove the practice. The removal of persons from their friends by imprisonment was often unavoidable, and might occur in either of the cases specified. The judges had no doubt whatever upon the authority of the court to send persons to prisons in England, other than those specified in the question referred to them. As to the second point, they were equally of opinion unanimously, that the court possessed authority legally to require such sureties for a reasonable time.

Lord Erskine could not act so

unmanly a part as to avoid giving his opinion. He considered the appeal by writ of error as a grand proof of the excellence of our constitution, which in so many ways provided checks upon the constituted authorities of the land. The case of libel law had been brought as near perfection, as was perhaps possible: though, in earlier life, he did not think that the practice of the courts was right and legal in some points, yet he lived to see it remedied. He could not pretend to enter into the merits of the particular case of punishment, as that was not before him, though he must say that it was a strange thing to be forward in condemning an acquitting jury. He had not been so long in the profession as the venerable judge who had just delivered the opinion of the bench; but he had never entertained a doubt of the power of the court of King's Bench upon this point.

April 14. Sir F. Burdett rose to make the motion of which he gave notice yesterday. He said he had this morning been to Chelsea Hospital, in order to view the premises, and he thought it was impossible for any words to give such a description of them as to convey a proper idea of the situation. It would therefore be necessary for every member who wished to be correctly informed of it, to take a similar view. From what he had seen, however, he was convinced he had been rightly informed, and that what he stated yesterday was true. He had no doubt but a new infirmary might be necessary for the hospital; and it would have given him pleasure to have found that the commissioners of that trust had fixed upon the most open, airy, and healthy spot of the ground allotted to as purchased by the pub-

lic for the benefit of the hospital; and to render it not only a useful but magnificent establishment. He had hoped to find the infirmary situated near the side of the river, where the poor, ailing invalids would have the comfort and benefit of fresh air and a pleasant prospect; but, to his great surprise, he found that spot was granted for the house of colonel Gordon, and the infirmary was built in a corner, where the air would be greatly obstructed; and, in short, it appeared to him to be the very worst spot that could be fixed on for the purpose in the whole of the ground belonging to the hospital. He could therefore look on the whole in no other light than as a downright job; and thought the officers of the hospital, the surgeon and physician, as well as the surveyor, had been very negligent of their duty in not remonstrating against such a situation. He thought there was a great hardship in depriving men who had passed the greatest part of their lives—many of whom had also lost their limbs in the service—of any of those advantages which had been intended to be afforded them in purchasing this ground by the public. Instead of a beautiful and healthy situation, which the house of colonel Gordon would possess, standing by the side of a river, and the ground around to the extent of four acres, the infirmary was placed in a back situation; and those who had occasion to inhabit it would be cooped up in a miserable corner; and the whole ground belonging to it was not above a twentieth part of the extent of that granted to colonel Gordon; or not more, at most, than above a quarter of an acre. He thought it a pity to spoil, for a job of any kind, so magnificent an establishment

establishment as that of Chelsea Hospital, and he was sorry to see that ministers paid no greater regard to the property of the people. He concluded by moving for

“ A copy of the warrant from the commissioners the treasury, dated March 11, 1809, authorizing the surveyor-general to prepare a lease to colonel Gordon of certain lands adjoining to Chelsea Hospital.”

Mr. Long said, that being one of the commissioners of Chelsea Hospital, he begged to say a few words on the subject. It had been represented to the board by Dr. Moseley, physician to the hospital, that an infirmary was wanted; and on hearing this ground had been purchased by the public, the commissioners thought it their duty to apply to the treasury, and they obtained that part of the ground on which the infirmary had been erected: when that was done, the surveyor-general ordered a survey to be made, and a report of what was the best mode of disposing of the remainder to the best advantage for the interest of the crown; and it had been reported that the most advantageous way would be to let out the remainder on building leases. It afterwards appeared to the treasury, by a memorial from colonel Gordon, requesting a lease of the remainder of the said ground for a house, that he had offered to give the sum fixed by the valuation which had been made. By an act brought in by Mr. Pitt, no crown lands can be granted but on a certificate and valuation of two surveyors on oath: that had been done; the act of parliament had been strictly complied with, and that was all the job complained of. If the act had been complied with, and Chelsea Hospital provided for,

it could be no job. The honourable baronet had said, the ground on which the infirmary was built was a very small part of the whole. He admitted it, but it was as much as was wanted. The honourable baronet had also said the officers should have remonstrated: for that there was no occasion; because all they asked had been granted them; and they had an assurance from the surveyor-general, that no buildings whatever should be permitted to be raised that might annoy the pensioners. He had no objection to the papers moved for.

Sir O. Moseley said, he had this morning accompanied sir Francis Burdett to Chelsea Hospital, and he entirely coincided with him in opinion as to the whole of what he had stated respecting the situation of the infirmary, and colonel Gordon's house, and concluded by saying the motion had his hearty concurrence.

Mr. Huskisson generally supported the argument and statement of Mr. Long, and stated further, that the plan of the infirmary had been transmitted to the treasury by the governors, physician, and surveyor, and they had fixed on the spot as the most convenient and best situation. Whether they were as well able to judge and determine on that head as the honourable baronet and the honourable seconder of the motion, he would not determine. The honourable baronet had mentioned the corner in which they were cooped up as not a twentieth part of the ground granted to colonel Gordon. Now the surveyors had on oath valued the land for the infirmary at 6000*l.*; and on the same oath the land of colonel Gordon was only valued at 52*l.* a year. Colonel Gordon having been informed, by sir David

Dundas perhaps, or some other officer of Chelsea Hospital, that the land in question was to be let for building on, had offered the terms of the valuation; and if the honourable baronet had applied and offered more than any other, he would have had it.

Sir John Newport wished to be informed why it was, that, when a subsisting interest had been bought up with public money, that part of the land, which was not deemed necessary for the use of Chelsea Hospital, had been transferred to the crown lands, and not to the funds of the hospital, in as much as the lands had been originally granted for ever by the crown to the trustees of that institution?

Mr. Huskisson informed the honourable baronet, that the land in question, though part of the Chelsea estate, from which the grant had been made by the crown to Chelsea Hospital, had never been granted to that institution. A lease had been granted by the crown of this land to sir Robert Walpole, and it was the residue of the term so granted that had been bought up with the public money. That part, however, of the land, which was thought necessary for the infirmary for the hospital, had been purchased to be transferred to the use of the hospital.

The chancellor of the exchequer did not mean to prolong this debate, but felt it necessary to notice one or two of the observations which had fallen from the honourable baronet who had brought forward this motion. The honourable baronet was disposed to view all the acts of his majesty's government with a jealous and jaundiced eye; and in that spirit, without waiting for the necessary informa-

tion, had denominated this transaction, in the first instance, a job. The honourable baronet was well aware, that nothing could more effectually tend to inflame the public mind, than to come forward, as he did, to institute an inquiry into a proceeding which he represented as a favour to an individual, and an injury to those old soldiers who were so justly entitled to the sympathy and compassion of the public: as if the honourable baronet were the only person who felt for their situation, and his majesty's ministers were insensible to their claims or their interests. What was the case of the honourable baronet? He had agreed that it would be of material benefit to the hospital that an infirmary should be provided. The treasury, having purchased the land in question, directed the proper persons to fix upon what part of it should be necessary for the hospital, and then directed the surveyor-general to report what should be done with the remainder, and how it could be disposed of most beneficially for the public interest. If they had not done so, then the honourable baronet would have come forward with a motion against them, for having sacrificed the public interest with a view to show an ostentation. He did not know whether it would be contended, that they ought to have taken the opinion of the honourable baronet, rather than the report of two sworn surveyors, as to the value of the land; but certainly if they had not taken the measures which had been adopted, they would have been open to censure as improvident servants of the public. He did not mean to object to the production of the fullest information
that

that could be had upon the subject, and should therefore agree to the motion of the honourable baronet. Several other gentlemen spoke on the subject; after which

Sir Francis Burdett said he could not help being suspicious of a job, when he saw the most profitable part of the land given to an individual, and the least valuable to the hospital. It was no argument to say, that the part transferred to the hospital was valued at five or six thousand pounds, when it must be obvious that the remainder of the land, forming a beautiful terrace down to the river, and affording a fine free circulation of air, would be a most valuable accession to the hospital. Many persons, he was informed, would give 10,000*l.* for it. In bringing the subject therefore before the house, he contended that he had not shown any disposition to view the acts of the ministers with a jaundiced eye. It was not his wish to hamper his majesty's ministers; neither did he wish to turn them out of their places; for he really thought them as good as any other set of gentlemen that might succeed to their places; or as any set of gentlemen, of whom if he had the selection, he might point out himself. But he had a jealous eye upon all their measures, because it had not lately been the habit of administrations to attend much to the public interests. It had been said by a right honourable gentleman, that nothing was here taken from Chelsea Hospital—Granted; but ten times as much as was given to the hospital had been given to an individual. The right honourable gentleman had said, that if ministers had not secured the 52*l.* a year, that circumstance would have been the ground of a motion against them. Now he could appeal to

the chair and to the house, whether it was his practice to bring forward capricious motions. When he did make motions of the nature of that before the house, it was to him a painful duty; for certainly he should rather, if he could, concur with the majority of that house, or of any public assembly. What he complained of, he was influenced to upon public ground; and he still insisted that it was highly improper, when this, the only piece of land in the kingdom which could answer such a purpose, was out of lease, that advantage had not been taken of it to add to the beauty and appearance of this magnificent monument of national gratitude. He had not presumed to call the transaction a job, though he said it had the appearance of one; and now that the subject had undergone some discussion, he continued of the same opinion. When the papers should be produced, it was his intention to call these wise men who had been consulted to the bar. It was possible to have a question put in such a manner as to insure the answer desired; but however that was, all the surveyors in the kingdom would not be able to persuade him that a wall eight feet high, and the buildings intended, would not prevent the free circulation of air. He stated the quantity of land given to the hospital to be a quarter of an acre, that let to colonel Gordon about four acres.

Mr. F. Moore thought that every man who wished well to the interests of the hospital, was indebted to the honourable baronet for having brought forward this motion. He was of opinion that the building should be suspended until the papers should be produced. He wanted materials to enable him to judge, when it was stated that one-fourth

fourth of an acre was valued at five or six thousand pounds, and four acres had been let to colonel Gordon at a rent of fifty-two pounds a year.

The motion for the warrant was then agreed to, as were all the motions proposed by Mr. Huskisson, for the various other documents connected with this transaction.

April 20th. Mr. Huskisson rose for the purpose of moving, that there be laid before the house some papers, in addition to those ordered on Friday last, relative to the land granted at Chelsea to colonel Gordon, in order to enable the house to judge more satisfactorily of the nature and circumstances of that transaction. He had already in a former debate stated, that the condition of the grant to colonel Gordon was, that no buildings should be erected on the land which could interfere with Chelsea Hospital. But having heard in that instance from two honourable baronets (sir Francis Burdett and sir Oswald Mosely), who had personally surveyed the premises, that the buildings in contemplation there would interfere with the infirmary for the hospital, he thought it his duty to go the next day to inspect the ground and ascertain that fact. On inspection, he did find that the erection of a building, in the situation where the foundation was preparing, would interfere with the infirmary, and consequently would be a violation, or rather a departure from the condition, of the grant. In the evening he communicated this circumstance to his right honourable friend (the chancellor of the exchequer), and begged of him to inspect in person the premises; and the consequence was, that on inquiry it was found that the person who had taken possession of the land, and was employed to prepare

the foundation for the building, had not consulted either the surveyor-general of crown lands, or the surveyor of Chelsea lands, upon the subject. The inquiry had been directed in writing to the surveyor-general of crown lands, and in consequence the situation of the foundation for the building had been altered; so that it appeared by the answer, that a building on the now intended foundation would not, in the smallest degree, interfere with the hospital. The papers he should move for were copies of the letters of George Harrison, esq., to the surveyor-general of crown lands, upon this subject, together with the answers thereto. He should also move for a copy of the report of the two surveyors who valued this land at 55*l.* a year, upon oath, which valuation they still continued to think adequate. When these papers should be before the house, they would clearly show that it was not the intention of the treasury to grant a favour to any individual, at the expense of the health or comfort of the invalids of the hospital. He concluded by moving that these papers be laid before the house.

On the question being put,

Mr. Maxwell stated, that he had gone to the premises on Friday, in order to view them in person: when he applied for admission, he stated that he did not go there from any idle curiosity, but as a member of parliament wishing to inspect this land, which had been made a subject of discussion in parliament. He was informed by an old gardener, who had been there for twenty-four years, that he could not let him in; and the workmen, to whom he applied also for admission, declared that it was as much as their bread was worth to admit any person. The workmen

so were busy in boarding up an iron gate, in order to prevent any one from looking into the interior. He wished therefore to know by whom the order for refusing admission had been given.

The chancellor of the exchequer observed, that the premises had been purchased, in order that what was necessary might be appropriated to the use of the hospital. The honourable baronet, when he stated that the order for excluding persons from the ground proceeded from the commander-in-chief, appeared to him to proceed upon supposition, having heard the order disclaimed on the part of the treasury and the pay-office. If he could venture, without having any information upon the subject, to make a conjecture, the order had been given by the person having a right to the possession of the ground. If any order had been given to exclude members of parliament, it would have been both improper and foolish. But when it was considered how pointedly public attention had been lately drawn to this piece of land, within a mile and a half of this metropolis, it would be obvious how desirable it must be to keep out the great number of persons who might wish to visit the place. He did not think it expedient that a case of this description should day after day continue to occupy the attention of the house, when the most that could be said in the worst view that could be taken of the case was, that there might have been some irregularity in the inferior agents employed in the progress of the transaction.

General Tarleton observed, that this was only the second time in which this subject had been under discussion. The effect of the first

discussion had been that the site of the house had been changed; and the advantage that would result from this second discussion would be, that the bar placed against the admission of members by some invisible hand, would now be removed. He had heard from the nearest relation of the noble lord (Yarborough), that he wished to get a renewal of his lease, but that ministers refused, and stated, that they wanted the whole for the use of Chelsea Hospital; and a pretty application they had made of the land, in appropriating one quarter of an acre to the hospital, and giving the whole of the remainder to an officer not at all connected with it. As our military establishment could not be expected to be diminished, the means of extending the hospital should be kept undiminished. The honourable baronet, who had brought forward this subject, therefore, had done well for the public interest. When the papers moved for should be on the table, they would be enabled to look more minutely into the case, and then perhaps it would be necessary to call for the fact, and to examine witnesses at the bar.

Mr. Ponsonby asked whether the grant of colonel Gordon had been perfected, so as that by law it could not be avoided; because, if so, colonel Gordon, having the right to the land, might still erect his house in the very situation which, it was allowed on all hands, would be inconvenient for the hospital. (*It was here stated across the table, that the agreement and grant were conditional, that no house should be erected in a situation inconvenient to the hospital.*) Well, then, the attempt to erect a building in such a situation was a violation of the condition, and no inquiry had taken place

place respecting it, until the subject had been brought under the consideration of the house by the honourable baronet, not then in his place. The secretary to the treasury too had stated on a former night, that the whole of the ground was such, that a house could not be built upon any part of it, except the spot which had been chosen for the intended house; and yet it now appeared that another situation fit for building upon could be found upon the land.

After some further discussion the papers were ordered.

May 5. Sir O. Mosely, as introductory to a motion he was about to make, said, he had made inquiries at Chelsea about the value of ground, and he was informed that many gardeners would have given 20*l.* an acre for such ground, even if it had not the advantage of being on the river. It appeared therefore that any common gardener would have given 80*l.* a year for what colonel Gordon gave but 55*l.* Colonel Gordon might, as soon as he got the lease, have let it out at profit. If the value of the land was said to be so depreciated from the contiguity of the infirmary, was not that a reason for not separating the land from the building? At present the building gave more the idea of the damp vaults of a secluded prison, than of an airy and comfortable dwelling for invalids. He should much rather see the old soldier walking about those grounds and smoking his pipe there, than see all the improvements which colonel Gordon could make there. As to colonel Gordon personally, he did not mean to say that he, from his long services, was not as much entitled to any favour as another officer; but he would say

that these grounds ought not to have been taken away from the infirmary to be given to any individual. He was ready to prove at the bar, that most of the officers at Chelsea remonstrated against this transaction, but that the governor persisted. He should only wish to call a few witnesses to the bar. The honourable baronet here mentioned the names of Sir David Dundas, Dr. Moseley, Mr. Fordyce, and nine or ten other gentlemen, being medical men, surveyors, or architects. He concluded by moving, "That a committee be appointed to investigate certain transactions respecting the building of the new infirmary at Chelsea."

The chancellor of the exchequer said, that whatever wish gentlemen might have to proceed further in this inquiry, he hoped that they would not think any further proceeding necessary, when they should hear the statement he had to make. The case had since been inquired into, both by the governors of Chelsea Hospital and the treasury; and on a communication with colonel Gordon, he expressed himself very ready to extend the space towards the infirmary. The governors of Chelsea Hospital had afterwards thought that it would be advisable to make other additions to the infirmary, and that perhaps they might want the whole of the ground, and they therefore wrote to the treasury to know whether the contract with colonel Gordon was so concluded as to prevent this. The treasury wrote back to them in answer, that the contract was in such a situation, that they conceived colonel Gordon had an equitable title to a lease from them. He was convinced that if such a contract had existed be-

veen individuals, a court of equity could have decreed the performance of it, and that a lease should be executed. It was, however, now settled, that other surveyors and other physicians should be called upon to give their report; and if their report should be, that those grounds were necessary for the infirmary, government would certainly endeavour to prevail on colonel Gordon to give them up.

General Tarleton spoke at some length on the propriety of granting every comfort and indulgence to old worn-out soldiers, who only got admittance into Chelsea Hospital from their long services, their wounds, and their constitutions being worn out in the service of their country. If the nation chose to build palaces for these discharged veterans, ornamented gardens should go along with the palaces; and the old soldier should not be prevented from walking in him. It would be a pleasing sight to the young as well as to the old, to see the worn-out soldier enjoying all the comforts which the liberality of this country designed for him. He thought the honourable baronet (sir F. Burdett) had therefore great merit in bringing this subject before the consideration of the house.

Colonel Wood said, he did not rise to prolong the debate. (*A laugh.*) It was not his intention to have said a word on the subject, but for some insinuations used by the honourable baronet who made the motion against colonel Gordon. That gallant officer had been many years in the most active service in every quarter of the globe—deservedly had obtained a place of great trust, but, in executing the arduous duties of it, he had in a manner secluded himself from society; and whatever some gentle-

men might think, he was sure colonel Gordon would be one of the last men in England who would desire to have any advantage at the expense of the pensioners of Chelsea Hospital.

Sir Francis Burdett said, that with respect to the bargain, so far as it affected the public, it was an absolute job. The pensioners were to be immured, to give advantage to colonel Gordon's pleasure-grounds; and though, according to the speech of the honourable gentleman who had just sat down, that officer would not take advantage of the soldier, he seemed to have no objection to take advantage of the ground. This was, in his opinion, the only spot in England fit for the purpose of an infirmary for the hospital, and he would be happy to give double the sum colonel Gordon was to pay for it, and secure it on any of his estates, for the sole purpose of giving it up to the hospital, rather than this monument of national munificence should be disfigured. He thought this the greatest job he had ever heard of; it was a job of all jobs, and ought to be distinguished by the name of *the job*. We heard every day of barometers, thermometers, and chronometers, and this should be called the *jobometer*. As to the papers, he would not go into them. Dr. Moseley desired the whole of the premises. Mr. Aust, in his letter, says, part may be granted; and in that division, colonel Gordon got about sixteen parts out of nineteen. Some gentlemen had talked of the expense of a wall; but they did not mention, that if it was not for colonel Gordon, that wall would not be wanting. He thought the pensioners were very ill used in many respects. There was a very fine large

large public terrace, but the old soldiers were never suffered to set a foot on it; they were totally excluded from it: and as to the garden, not a single leek were the poor pensioners permitted to take to make their porridge with. He could not see such transactions going forward without taking notice of them. He felt it to be an imperious duty which compelled him to aim at their correction. He had no doubt but, in these demure times, the cry would be raised against him. He did not know by what name he should be assailed; jacobin, he supposed, was grown too stale and worn out, and gentlemen began to be ashamed of it; but it signified not to him what it was; he would wear any name that went along with the reformation of abuses. With respect to the motion, he had no doubt but his honourable friend who brought it forward, would agree to take a select committee, instead of an open committee of the whole house; and as there were further papers to be produced, they might be referred to the said committee.

Mr. Yorke spoke with considerable warmth against the motion.

Mr. W. Smith said, that in looking over the papers, he thought government must have been imposed on. The house of Mrs. Aufrere, which was to be converted

into an infirmary, was valued, with the small piece of land adjoining it, at 6,380*l.*; and the remaining land, which was four acres, was let for 55*l.* a year. It was with considerable astonishment he had read the report, and he never could have supposed it to be one drawn up on the part of the public, but on the part of a lessee, who was stating every thing he could for his own interest. Respecting what fell from the chancellor of the exchequer, as to prevailing with colonel Gordon to give up the grant, if any fraud or delusion had been practised on the treasury, he thought it would be like the case of a minor's estate, in which, where fraud or delusion was used, a court of equity would set aside the agreement made by trustees: so, in this instance, if fraud or delusion by any one appeared, the house might interfere, and prevent the completion of the grant.

Sir O. Mosely replied shortly to the many observations made against his motion. It had been said the case had not been made out. He owned it; but he pledged himself, if a select committee were granted, to prove the case fully to the satisfaction of the house.

A division then took place:

Ayes - - 73

Noes - - 170

Adjourned.

CHAPTER IV.

Debate on the Bill for preventing the Sale of Places—Earl Grey's Motion on the Campaign in Portugal—Lord A. Hamilton's Motion on the Abuse of Patronage—Mr. Ord's Motion on the Dutch Commissioners—Lord Auckland's Motion on Divorce Bills—Sir Thomas Turton's Motion in behalf of Debtors—Mr. Curwen's Motion on the Purity of Election—Mr. Madocks's Motion of Charges against Ministers—Mr. Martin's Motion on the Third Report of the Committee of Finance—The Chancellor of the Exchequer's Motion on the Budget.

APRIL 21st. The chancellor of the exchequer moved the order of the day, for the second reading of the bill for preventing the sale of places.

On the question being put, Lord Folkestone had a few words to say on the subject. He observed, that these sort of preventive bills very rarely did any good. As long as temptations were suffered to remain, offences would be committed. Notwithstanding the provisions of such bills, the ingenuity of offenders would continue to evade them, at a little more expense or trouble. If the inquiry he had proposed a few nights since had been gone into, there would have been no occasion for the present measure. As to the offices connected with the courts of law, he found they had been for a long time regularly bought and sold, but he could see no reason why this practice should be suffered to continue. There was another omission, however, in the act, which appeared to him of more material moment. The attention of the house had been much fixed to East India writerships and cadetships; but there was another thing of

much more consequence which had not been noticed. It was most notorious that there was a traffic for other places, and also for seats in parliament. (*Hear, hear!*)—This was a thing most contrary to every idea of the constitution, and yet it was most notorious; and as it was most notorious, he thought the right honourable gentleman would do well to introduce a clause in his bill to prevent trafficking for seats in parliament. The treasury was the place where this traffic went on to the greatest and most corrupt extent. The secretary of the treasury was generally the agent in all those transactions on the part of the government.—(*Hear, hear!*) If gentlemen meant by this cheering to imply a doubt of his statement, he should be very happy to be allowed a committee to examine into the fact. At every dissolution of parliament there was an office open at the treasury, where the friends of administration stated their terms, and where persons made their bargains on different terms according to the abilities with which they were supposed capable of supporting the government. This was his firm belief, and he believed

lieved it was also the belief of the public. He thought the house should correct abuses of this magnitude, at the same time that they were passing a bill with respect to minor offences.

Mr. Bankes observed, that as to the abuses in the East India Company, he, as chairman of the committee appointed for the consideration of that subject, had brought down a recommendation to the house, that it was not necessary to pass any specific legislative measure on the subject. Although the system of the government of this country changed with the hands to whom it was confided, it was not so with the East India Company. One of their regulations was, that at any distance of time, an appointment obtained corruptly would be set aside. He conceived that the present bill must be useful, as rendering this sort of corruption more difficult than it was before.

Mr. Creevey said, that the noble lord was perfectly correct in stating that seats in parliament had been notoriously bought and sold by the treasury. He would say, that this was not only his belief, but that it was within his knowledge. The treasury not only openly bought and sold those seats, but they kept in a great degree the monopoly of that market. If this was attempted to be denied by ministers, he should be glad to have the opportunity of proving it, and he could easily prove it from the lips of any one who had ever been secretary of the treasury. It was absolute nonsense and delusion on the public, for the house to spend their time in considering abuses in the commissioners of the lottery, and every other minor de-

partment, when they knew, and when the public knew, that the greatest of all abuses was constantly practised by every secretary of the treasury, in buying and selling seats in parliament. To talk of a dissolution of parliament, as an appeal to the people, was mere mockery and imposition. It was perfectly well known that a dissolution of parliament was not an appeal to the people, but to the treasury. (*Hear, hear!*) Although he had great respect for the last government, and owed some personal favours to them, yet he must say that their dissolution of parliament, at the end of four years, like the dissolution by the present ministers, at the end of about four months, was not an appeal to the people, but to the treasury. (*Loud cries of Hear, hear!*) Until the house was disposed to suppress this odious and unconstitutional traffic, the legislating on these minor abuses was mere mockery and delusion.

The chancellor of the exchequer said, he was happy to find that the noble lord (lord Folkestone) had attributed whatever there was of obscurity in this bill to the desire of making it as comprehensive as possible. He was also glad that the noble lord had admitted that the bill would render the commission of these offences more difficult in future. As to the purchase and sale of places connected with the courts of justice, that had prevailed from very remote times; but he believed that it would not be said that the practice at all interfered with the purity of the administration of justice. As to what had been suggested with respect to the prevention of the traffic for seats in parliament,

this

this would be a matter which might fairly be stated when the bill should come into a committee. If the noble lord or honourable gentleman would then bring forward any proposition of that sort, the house would be very ready to take it into their consideration. The noble lord had stated his firm belief of the existence of such transactions, and the honourable gentleman had gone further, and stated, that it was within his absolute knowledge. The honourable gentleman, to be sure, might have some knowledge from the confidence which was reposed in him by the late administration, with whom he was connected.—(*Loud cries of Hear, hear!*) He could not recollect, however, that that honourable gentleman (Mr. Creevey) had, at the time when a specific charge was brought against a secretary of the treasury for such interference, given the house the benefit of his knowledge. When he had that knowledge, how did it happen that his patriotism was asleep on that remarkable occasion?—(*Hear, hear!*) If he would, however, then bring forward impartially those specific cases that were within his own knowledge, he would probably find the house very ready to attend to them.

Mr. Whitbread said, that he was happy that the suggestions of his noble and honourable friends appeared to be received with so much cordiality by the right honourable gentleman (the chancellor of the exchequer), and that it seemed to be admitted that the practice of trafficking for seats in parliament was a thing which ought not to be tolerated. He supposed that when the right honourable gentleman (the chancellor of the exchequer) called upon an honour-

able friend of his (Mr. Creevey) to bring one set of cases before the house, he was also ready to practise that impartiality which he recommended, and bring forward those cases which were within his knowledge. (*Hear, hear!*) It was nonsense to pretend to be ignorant of those abuses. What member of parliament was there that did not know that such things were done? Did not he know, did not the right honourable gentleman know; did not every body in the house know, that there were many members who sat there, that were representatives of nothing but their own money? (*Loud cries of Hear, hear! from the opposition benches.*) And it was also known that many who had paid their money for their seats still felt themselves dependent on other men; and, if they differed from them, felt those qualms of conscience or of honour which made them vacate both the seat and the money they had paid for it. It was not certainly any charge against the present administration to state those things, for the charge applied as well to him and to every other member of the house, who had long known that those things were done, and yet never brought it forward to parliament in a proper shape.

The bill was read a second time, and ordered to be committed.

April 21. House of Lords.—The order of the day for summoning their lordships having been read,

Earl Grey rose, for the purpose, he said, of submitting to their lordships the motion of which he had given notice. In bringing this important subject under consideration, he should be under the necessity of going into many details with which they were previously

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acquainted.

acquainted. He felt all the difficulty of the task he had engaged in, and at the very outset he saw that he had considerable impediments to surmount. The papers on the table were so voluminous, that they seemed to have been introduced for the purpose of confounding the subject. He should therefore be obliged to solicit a more than usual portion of their lordships' attention, while he executed a duty which he lamented had not fallen into abler hands. Unequal as he was to the task, he would, however, encounter it; for he felt it to be a duty that he owed his country at this most perilous crisis of her fate. Their lordships would, no doubt, all recollect the strong sensation that was created in this country, when the intelligence first arrived of the resistance of the Spanish nation to the most violent and unjust usurpation of which the records of daring and unprincipled ambition furnished an example. The sensation was great and general. The feelings of the Spanish nation became the feelings of the people of England, without distinction of rank or party. A liberal confidence was given to ministers, on this most important and unlooked-for occasion. Everything was granted to them, under a responsibility that the means which were placed in their power would be wisely and effectively employed. What the country, therefore, had a right to expect of ministers was; first, that they should have satisfactory information of the determination and capability to resist in the Spanish nation; and, secondly, that having obtained such information, their assistance, if necessary, should be prompt, vigorous, and effectual; that their means should be proportioned to the great end

they had in view; and that they should, above all, proceed with a happy union of energy and caution. He would acknowledge, that the situation of ministers on this occasion was one of much difficulty; that they did not, as was said on another occasion, repose on a bed of roses: but, arduous as it was, they were in possession of means equal to the magnitude of any undertaking that might arise from it. He felt no disposition to undervalue the resources of the country. There was no reason why he should do so. After the losses of the late campaign, great as they were in blood, and in treasure, and above all in glory, he was still confident that the resources of the country, if wisely and providently administered, were equal to the unexampled difficulty and danger of the crisis, and sufficient to secure an honourable termination of the contest in which we were engaged. But, to attain so desirable an end, these resources, supplied with so much liberality and confidence, must not be wasted in idle or ill-considered enterprises. They must be reserved for great occasions, when there was a prospect of employing them advantageously and effectually. The first consideration, therefore, was to call the ministers to account for their conduct; to ascertain whether they were in possession of such information as they held out, respecting the means and disposition of the Spaniards to resist. Their lordships could not forget the magnificent prospects which ministers held out of the resources of Spain—of the immense armies that were to drive the French out of it. They would remember the statements that had appeared of the strength of these armies; that there were, or
shortly

shortly would be, 400,000 men in the field, exclusive of a reserve and an immense body of volunteers. He looked in vain through the documents produced by ministers for the returns of these armies; but he found in the letters of many officers, whose credit stood highest, statements of quite a different tendency. Instead of the numbers stated, it appears that the whole force of the armies of Galicia, Estremadura, and Arragon, did not equal the numbers of the French at the end of September. Blake's army never exceeded 30,000; that of Estremadura hardly amounted to 12,000; Castanos' army at no time was more than 26,000 men, and these ill equipped, and badly supplied. Even when supported by the army of Arragon, it did not exceed 40,000 men. The French at the renewal of the campaign were at least 110,000, while the Spanish force of all descriptions was not more than 80,000. Were they not to call ministers to a severe account, and to compel them to show there were in Spain greater means of resistance? They might be told of the surrender of Dupont; of the siege of Saragossa; that the French had been driven from before Valencia, and that Joseph Bonaparte was under the necessity of flying from Madrid. These were certainly great and undoubted successes; but they were not such decisive proofs of the spirit and means of Spain, as should have justified the sending a British army into the heart of the country. That was an event which should not have been the result of a sudden ebullition, but a persevering, general, and determined spirit of resistance; a spirit, as lord Castlereagh had described in one of his dispatches, that was not to be

intimidated by great reverses, or subdued by compromise. The surrender of Dupont took place on the 19th of July, and ten days after Joseph quitted Madrid. The French were under the necessity of retiring behind the Ebro, where, at the middle of August, their whole force did not exceed 45,000 men. There they remained unattacked and unmolested, waiting their reinforcements; and there they could not have remained if there was in Spain that general spirit of resistance that ministers represented, or a government that was capable, if it did exist, of conducting it with energy. Ministers either had sufficient information, or they had not. If they had not, they were deeply culpable; and if they had, they were still more criminal for having acted as they had done. Having detailed all the proceedings of ministers in the appointment of officers, and having examined the conduct of the different expeditions in Portugal, he said, it was impossible to contrast the conduct of ministers with that of the person at the head of the French empire. Did he ever send out marshal Ney with a roving commission? Did he send out Soult to supersede him, or marshal Massena to take the command from both? No; they saw him collect his means, concentrate his force on the Ebro, and not stir from thence until every thing was prepared for one great simultaneous movement. Whatever his crimes might be, it was impossible not to acknowledge the superiority of his talents; that he united in himself all the qualities of a Fabius and Marcellus; or rather, considering the enemy with whom he had to contend, and the country that was to be the scene of action, that he might be

compared to Hannibal, perhaps the greatest general of ancient times. Were they to be surprised, that such arrangements have been followed by such calamities in Spain as made men shudder, and the blood run cold? He would next examine the means that ministers adopted to obtain information of the disposition and resources of the Spanish nation: and having discussed the subject in all its bearings, he said, it was not, then, till the 12th of October, that sir John Moore began his march from Lisbon for Spain. On the 14th of November he arrived with the head column of his army at Salamanca; and on the 5th of December, when the other columns had successively come up, sir John Moore wrote that general Hope was at Evora, sir David Baird at Astorga, and that he expected within a short time to assemble the whole army. It had been said, in another place, that if any responsibility were to attach anywhere for this line of march, which the army had taken, that responsibility rested with sir John Moore. Nothing, he contended, could be more unfounded than such an assertion. Sir John Moore had no choice, and the course he actually had taken was perfectly right, and he was convinced it would meet the concurrence of every military authority in the country, that his decision in favour of a march by land was right upon military principles. It would certainly not have been desirable for him to venture on an uncertain passage by sea at that season, nor would it have been prudent in him to land his army in a country which had not the means of affording him the necessary supplies. On the 15th of November, sir

David Baird began his march from Corunna, and on the 14th of that month the head of sir John Moore's army arrived at Salamanca. Having thus stated what was the situation of the British army in the middle of November, he begged to call the attention of their lordships to the situation of the French army at that period.

On the 4th of November the French reinforcements had arrived in great strength in Spain, so as to enable their army to commence active operations. In point of fact, the French had begun to act on the 26th of October, as appeared by their having surrounded and taken a column of 1,200 men. On the 30th October the French began to act against the army of general Blake, and between that and the 11th of November totally destroyed or dispersed that army. On the 4th of November Bonaparte arrived at Vittoria; on the 10th the army of Estremadura was destroyed; and on the 13th Bonaparte actually established his head-quarters at Burgos, the very point where our army was to unite, one day before the head of sir John Moore's army arrived at Salamanca, two days before sir David Baird began his march from Corunna. All these were circumstances that might have been foreseen by any ordinary capacity; and with the certainty that such circumstances must have taken place, it was the height of madness to send a British army to act in the north of Spain. It was the opinion also of sir John Moore, that the whole of the British army under his command should have been assembled on the Portuguese frontier, and directed its march to Seville, and not to Salamanca. If that plan

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of operations had been adopted, he might, if pressed, retire behind the Tagus, and thence into the province of Andalusia, which possessed an important iron-foundry at Seville, where the spirit of the people was most enthusiastic, and where there was a secure and impregnable port, Cadiz, to which in any emergency the British army could securely retreat. The port of Cadiz was capable of affording shelter to the fleet, and security to the army if obliged to fall back upon it: but here he did not mean to go into the cause of that jealousy which existed with respect to admitting our troops into that port; but if that could have prevailed after we had sent a large army into that province to assist the cause of Spain, at all events Gibraltar was a point to which the army could have retreated. That plan of operations would have been best for the security of the British army; most effectual for the Spanish cause, because it would establish the British army as a reserve round which the native troops might rally; and most harassing to the French, because it would oblige them to act upon a more extended line.

But scarcely had sir David Baird begun his march, when at Lugo he heard of the destruction of general Blake's army: on his arrival at Astorga he heard of the dispersion of the army of Estremadura: so that before he could have arrived at the scene of action, every army, from which he could have hoped for support, had been destroyed. And here he besought their lordships' attention to the letter of sir David Baird, dated the 22d of November, and to that of sir John Moore, dated the 24th of November, and to the representations of

both as to the absence of all support from native armies, and the want of the reported spirit or enthusiasm on the part of the people. In this letter, sir John Moore said, that if the real strength of the Spanish army, or the real state of the country, had been known, Cadiz, not Corunna, would have been the point for the landing of sir David Baird's corps; and Seville, not Salamanca, the place at which the army ought to have been assembled. These documents showed how hopeless the situation of affairs in Spain was, how low the disposition of the people was at that period. The letter from sir David Baird had been received here on the 3d of December; that of sir John Moore on the 8th: and it was in the recollection of their lordships, that these documents had been in the possession of his majesty's ministers, when, on the 16th of December, they thought proper to advise his majesty to issue that celebrated proclamation, which pledged his majesty to the universal Spanish nation; which bound this country to a cause which, according to every information, was actually hopeless. Here his lordship entered into a justification of sir John Moore's conduct, and exposed the absurdity of trusting to the advice of Mr. Frere. He then dwelt on the great losses sustained in men and money; and concluded with moving an address, which corresponded with the principal points of his speech, and censured the conduct of government, relative to the affairs of Spain.

The earl of Liverpool rose, and admitted the great importance of the present discussion. He did not shrink from the great responsibility that administration was said to have incurred. He was confident,

that the country felt a strong and general desire to assist the gallant Spanish nation. Government was animated by the same feeling, and was resolved not to disappoint the hopes of the country, but to do every thing in its power towards the great end in view. He had the consolation to know, that they felt themselves bound by every tie of gratitude and affection to this country; and that, notwithstanding the unfortunate event of the campaign, the heart of every true Spaniard beat as highly and warmly in favour of Great Britain, as at the moment when they first asked and received the assistance which we gave them. No man could answer for events to come. Submission may eventually be their lot; but should that unfortunately be the case, he had the satisfaction to know they could not impute that submission to any want of assistance on our part. Whatever might be the result, we had done our duty; we had made every exertion in our power; and by continuing the same course, we might reasonably suppose that our joint efforts would be crowned with success. His lordship concluded a very long and able speech, by giving his decided negative to the motion.

The earl of Moira, lord Sidmouth, lord Erskine, and lord Grenville, spoke for the motion; and lords Mulgrave and Westmoreland against it.

The house divided—

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April 25th. House of Com-

mons.—Lord A. Hamilton said, that in rising to state his reasons for now bringing forward the motion of which he had given notice respecting a noble lord, it was, he believed, scarcely necessary to preface it with many observations: but that he might not lead any one into an error on the subject, he would as concisely as possible proceed to state what it was he intended to move; and if he should in so doing take any step which might be supposed at all contrary to the rules and practice of the house, he should doubtless be corrected and set right. He believed it was not against any rule of that house to move a censure against any member of it; and as in the present instance it was his intention to ground his motion on the evidence which had come out before a committee appointed by the house to inquire into the existence of abuses in the disposal of India patronage, he should in the first place move that the evidence be read; after which, he should submit to the consideration of the house a resolution of censure on the conduct of the noble lord opposite to him (lord Castlereagh). He begged the noble lord and the house to believe his assurance, that in bringing forward the present motion, he had no personal animosity or hostility to the noble lord, except in what related to his official character, and the manner in which it was his opinion the noble lord had so greatly misconducted himself. There was one remark, and one only, that he would make respecting himself, viz. his reason for undertaking to bring forward this motion. It would readily be in the recollection of the house, that from his first having the honour of a seat in it, he had appeared, perhaps, more forward than

than many others, in bringing under their attention and consideration, delinquency of every kind which came to his knowledge. He thought, therefore, he should be reprehensible in the highest degree, if he had been at all backward on the present occasion, which struck him, on the first view of it, as of more than common magnitude. About two years ago, he had taken a very strenuous part in endeavouring to bring to light the mal-practices of Mr. Alexander Davison, in the secret and hidden causes and practices of corruption; and it had at all times been his first wish and desire, to expose and lay open such base proceedings to the indignation and reprobation of the house. Having hitherto done this in several instances, he thought it a duty peculiarly incumbent on him to bring forward the present motion; for, of all the functions belonging to members of that house, it was highly necessary they should act in such a manner as to preserve a character of respect for themselves, the first body of men in the kingdom, as representing the whole of the people. In doing this, he meant strictly to confine himself to the evidence; he meant not to make any charge against the noble lord but what is actually contained in the evidence before the house, and in the confession of the noble lord opposite to him. It seemed to him therefore, at first, that nothing more would be necessary than to read the evidence; but when he reflected on the respect which was due to the house, he conceived that it would be more seemly in him to make a few comments and observations on the whole transaction as he gradually developed it, and he thought he had every reason to believe the result would

be, that the house would show that they were not any party to the transaction.

It appeared to him to be necessary to state, in the first place, what he thought the nature of the case. In the year 1805 the noble lord received a letter from a Mr. Reding, an entire stranger, and offering, he believed, a seat in parliament. He (lord A. Hamilton) should have thought that when such an offer had been made, it would instantly have induced the noble lord opposite to him to bring the person so offending to as speedy punishment as possible; instead of which, it would be found that the noble lord told Mr. Reding "he did not want a seat in parliament for himself, but a friend of his did." The object of Reding was not to offer a seat in parliament for money, but for a writership; and the charge against the noble lord was, that he had disposed of his patronage of a writership to lord Clancarty, to obtain thereby a seat in parliament. It appeared from the evidence of lord Clancarty, that having mentioned the circumstance that the seat could not be obtained but for a writership, he (lord Castlereagh) told him that he had a writership undisposed of, to which he would be happy to give him (lord Clancarty) the recommendation. And on the examination of the noble lord (Castlereagh) before the committee, he confessed "that he was induced to place a writership at lord Clancarty's disposal; and that the impression under which he did it was, that lord Clancarty's coming into parliament might thereby be facilitated."

Lord A. Hamilton said, that if he were to submit that single resolution, and move a censure on

it, he thought it would be impossible for the house not to agree to it; for, were it otherwise, he did not see how any delinquency could hereafter receive censure, if this were passed over. The evidence of lord Clancarty, he said, was equally important and forcible with that of the noble lord opposite to him, and went exactly to the same point. He would now, therefore, request the attention of the house to such other parts of the evidence as appeared to him to bear most strongly on the case. The evidence of Mr. Reding was very long, and he did not think it necessary to go into it further than would be requisite to lead to two or three observations and comments which he deemed to be due to it. Reding was asked what conversation he had with Mr. Davies upon the subject? A. The conversation I had with Mr. Davies upon the subject was—a party wanted a sum of money, but the other party were to give a seat, and this money was to go in this sort of negotiation.—Q. Was the sum of money to go to procure any appointment under the East India company? A. Yes, in one shape, but the seat was to be given to those who could get that appointment made.—Q. Was a writership to be procured by the sum of money to be so given? A. Not without getting a seat as a remuneration for the writership, which did not take place, and it died away.”

His lordship then said, there was one other person whom he must introduce to the notice of the house, and it was not the smallest part of his regret, that such third person was a peer of the realm.—(We suppose his lordship alluded to the late marquis of Sligo, whose name is particularly alluded to in Re-

ding's evidence, as the person who had the seat in parliament to dispose of.)—What then, continued he, would signify the bill of the chancellor of the exchequer, now on its passage through the house? of what signification would be the annual resolution of that house against corruption? How was it possible that any administration, or that house, should hereafter expect that any future delinquency proved against the smaller classes of society should be punished by them, when two persons, one a member of that house, another late a member of the board of control, and the third a peer of the realm, should, in this clear and unquestionable manner, have been proved guilty of so gross a violation of the rules and constitution of the house; and that they should suffer it to pass without their strong and marked reprobation? For his own part, he did not affect to have a greater sensibility on this subject than any other individual member, but he thought it was totally impossible for the house to pass it by. He could not but notice a variety of situations in which the noble lord had been placed, which should have deterred him from embarking in this unfortunate transaction. The noble lord must, as a member of parliament, have concurred in the various censures that have taken place since the noble lord had a seat in it, some of them for offences of the very same complexion, and which one would suppose must at the moment have suggested themselves to his recollection. The noble lord was also a servant of the crown, had long been so, and as such it was his bounden duty to protect and defend not only the house, of which he was a member, but the government, of which he

was a confidential servant, from every attempt and attack of the hydra corruption. If, however, there could be one circumstance attending this transaction that was more aggravating than the rest, it was his holding at the moment the office of president of the board of control, whose peculiar duty it was to check and crush every corruption which came within the scope of his high situation; instead of which he had been proved, even from his own mouth, to have abused the trust and confidence placed in him, and to have violated them in the highest degree. It was said that the noble lord had given in to the committee, on oath, a list of his patronage, as president of the board of control, and the particular instances in which it had been used. He (lord A. Hamilton) was altogether at a loss to discover by what law or usage the noble lord, as the president of the board of control, could have any patronage at all. There was a clause in the act which appointed and formed that board, very nearly prohibiting that; and yet the noble lord had not only disposed of patronage, but he had done so in the most reprehensible manner, in a way which called loudly for a double degree of censure. Here his lordship referred to the report of the committee, and to the bye laws of the East-India company: "Now," said lord A. Hamilton, "I contend, that the above regulations are as much in force against the patronage of the noble lord, as president of the board of control, which, I insist, he had no right to dispose of, as they could possibly be in regard to the patronage of directors." What then would the house think of this attack on its purity, and disregard of its constitu-

tion and of its rules, when they saw that the high and important office which the noble lord had held so long, had been made an instrument for the worst of purposes; and that, directly in the teeth of an act of parliament, as well as of a bye law of the East-India company? Having gone through the case, he moved that the minutes of the evidence be read.

The speaker having stated to the house the usual routine of its proceeding on motions of the present nature, from the time of sir Robert Walpole down to this day,

Lord Castlereagh began by expressing his sincere regret that any act of his, or rather he should say, in the present case, any intention, could be deemed such as to call for parliamentary inquiry. He particularly lamented that they should be called upon to express their opinions upon the propriety or impropriety of his conduct, in any point of view in which the character or authority of that house might be considered interested, or in which he might be supposed to have overstepped the boundaries of his official duty. If, in the course of the present investigation, any error of his was made apparent, he hoped the house would see that such an error was rather to be imputed to accident than design. He hoped the house would indulge him with a patient hearing, when attempting to destroy many aggravations, which, in his mind, had been stated, before he came to the case itself, which lay within a very narrow compass. He denied then that this charge, whether right or wrong, proved or falsified, could, by any art whatever, be considered as connected with, or springing from, his official situation. Whether he had been er-

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aneous or not, still his error did not spring from a desire to exert his patronage as a minister, for the purpose of increasing his influence in the house of commons. He had fairly and frankly laid before the select committee a full and general view of his East India patronage; and in no other instance than the present could even the shadow of an attempt on his part be inferred to exert that influence for a political purpose. Another aggravation, as stated by the noble lord, he wished to combat, and which hurt his feelings much. This was, that he had used in his office a general disposition towards trafficking. Now, no such thing as this could possibly be inferred from the evidence; and on a consideration of that, it would plainly appear, that neither he nor lord Clancarty ever had an idea of exerting official influence for the purpose of facilitating the acquisition of a seat in that house. If he wished, indeed, to promote his parliamentary views by official patronage, it was possible that some opportunity might occur in which he might use it to advantage, but he never had. No; and in the present instance, all he understood was, that an individual wished to return either himself (lord Castle-reagh) or his friend, and that a noble marquis wished for an Indian appointment for some of his acquaintances. He felt fully open to all the comments which the noble lord had chosen to make upon the transaction; and no person could regret more deeply any connexion with such a man as Mr. Reding had proved to be, than he did. For his own part, he could not be suspected of having any advantage to seek for himself individually on the occasion. All he wanted

was to get his private friend lord Clancarty into parliament, and this he particularly wished, knowing as he did the useful talents for business which his lordship possessed. He could not help expressing his surprise that the noble lord would for a moment imagine, that with this transaction any pecuniary concern was blended. There was nothing, surely, either in his character, or that of his friend, which could countenance such a supposition. The noble lord, however, seemed to think that he was to be particularly blamed, because he happened to be president of the board of control. This was founded on the notion, perhaps, that particular patronage was attached to that situation; but he could not see what the policy could be of excluding all the executive government from such patronage. Cases, indeed, did exist, in which the laws wisely broke down the mass of patronage, by extending it chiefly to the directors; yet, in his opinion, the small patronage given to the board of control, or to the president of that board, could not be attended with any very bad constitutional effects. The president was, undoubtedly, responsible for the exertion of his patronage; but he thought it would be a little hard to press him down with greater responsibility, because he happened to be president. He delivered those opinions freely, and he had delivered his opinions freely before the select committee, heedless of consequences. He would leave it, now that all the circumstances had been fully developed, to the feelings of any man, whether any unworthy motive or personal turpitude could justly be imputed to him. He did

did not wish to act in any manner unbecoming the dignity of parliament: he would freely state his motives, and leave it to that house to form its decision on them. He assured the house, he never for a moment had an idea that the appointment in his gift could lead to any corrupt influence, either in that house or in individual electors. Although the individual who was to retire from parliament had not been named, still the impression made on his mind was, that he was not only a man of great respectability, but that he was one of those in the habit of voting and acting in unison with government. He thought him a man who had some favour to seek for his son or nephew, and who never could suppose that such favour would operate to corrupt either parliament or election; indeed, he would be the last man on earth to grant a favour which could have such an effect. So far from any unjust or impure conclusion on his part, he had been even so prudent and careful in the business, that he held it at his option, after any communication with lord Clancarty, to alter his mind completely. Can any man in his senses believe that he would be mad enough to sacrifice, thus wantonly for no purpose, his public character, his prospects in life, his official situation, his respectability in the world, and in short every interest which could render man's existence dear to him? No: all that could be said was, that he, by means which perhaps were not strictly consonant to the usage of parliament, but to which undoubtedly no corrupt motive could be imputed, had sought the advancement of his private friend—the

advancement of one, too, who he knew from former proofs could prove ultimately beneficial to the public service. He had now gone as fully into the circumstances as the case, which was extremely confined in its circuit, could admit: he had, to the best of his abilities, and certainly with candour, endeavoured to give the house a just view of the light in which it ought to be considered: he had tried to strip it of all the aggravations with which it had been encompassed, and he would now rely upon their decision. He would leave it to them to consider, whether, without any motive, he would be wilfully corrupt, or whether his senses could so forsake him as to commit a crime, which, from the very circumstances that attended it, he knew must become public. He had now only to regret that motives of private friendship or of public zeal could have induced him to any act requiring the cognizance of that house. He certainly had not erred intentionally, and would submit with patience to any censure which he might be thought to have incurred. [The noble lord having concluded, making an obeisance to the speaker, withdrew.]

Lord A. Hamilton then moved,

“That it appears to this house that lord viscount Castlereagh, in the year 1805, having just quitted the presidency of the board of control, and being at the time a privy councillor and one of his majesty's secretaries of state, did deliver up, into the hand of lord Clancarty, a writership, of which he had the gift, for the purpose of exchanging it for a seat in parliament.

“That merely from the disagreement of some subordinate agents employed,

employed, this design was not carried into effect.

"That such conduct was a dereliction of his duty as president of the board of control, a gross violation of his engagements as a servant of the crown, and an attack on the purity and constitution of the house."

A very long and animated debate ensued, in which the chancellor of the exchequer expressed a wish to pass to the other orders of the day.

Mr. Bankes, after reviewing the whole subject, said, it would be the most agreeable to him if he could either agree to the resolutions of the noble lord, or be contented with the course proposed on the other side. He thought the punishment which the former would inflict was not adequate to the offence, and greatly disproportioned to the case; and the latter would not be sufficient for the dignity of that house, if it should pass to the other orders of the day, from a charge where the facts were proved upon such incontrovertible evidence. He agreed with the whole of the speech of his right honourable friend, and contended that upon every principle of law a distinction should be taken between an offence existing only in intention and an offence actually completed. If the first resolution therefore should be amended by the introduction of the proper qualifications, it should have his support, and then he should propose to add a resolution, "That it was the duty of that house to be jealous of its independence; but at the same time that it appeared that the said negotiation rested merely in intention, and had not been completed; and that, therefore, that house did not think it

necessary to direct any penal proceedings." This was what struck him as the most eligible course to be pursued, and he should therefore move this resolution, if the noble lord should agree to an amendment in his first resolution; but to the second and third resolutions he could not agree.

Sir Francis Burdett could not see any objection to the original resolutions proposed by the noble lord. As to the objections which had been taken to the second resolution, that it was not founded in fact, he must observe, that though it was not exactly made out by the evidence, yet it would be very easy to amend it; because the fact was, that the negotiation had actually failed, in consequence of the inferior agents not having been able to accomplish what they had undertaken. He had attended particularly to every thing that had been said by the noble lord in his defence; and whatever difference of opinion might appear to exist in the house as to the degree of his guilt, it appeared to him to be an aggravated case. It appeared to him to be an abuse of the patronage of a minister, with a view to make an attack upon the independence of parliament. If the minister were proved guilty of such an offence, was the house not to say that he was so guilty? It had been contended, that the offence in this instance was not as heinous as the taking a bribe at an election: but the house would never, by its vote upon the present question, sanction the opinion, that it was ready always to punish the petty offenders in retail, at the same time that it passed over this wholesale trade in corruption without animadversion. Every thing, therefore, showed how
necessary

necessary it was to pass the resolutions of the noble lord. Some gentlemen had taken occasion, and very properly taken occasion, in this discussion, to make some observations upon the necessity of a parliamentary reform. His own opinion upon that subject was well known, and he was convinced that nothing could tend more to show the necessity of such a measure, than if that house should pass from these resolutions to the orders of the day. It behoved that house to show to the public that it was not inattentive to its interests; and to guard its own character from the imputation, that whilst it punished petty offenders in detail, it was reluctant to inflict the same punishment upon an offending minister. Was not the Plymouth tinman's case in the recollection of the house? and with such an example before their eyes, could they hesitate to vote the resolutions against the noble lord? Complaints had been vented against the press; but if men of rank would do their duty, they might bid defiance to the press. It was not their rank, but their vices, that provoked the animadversions of the press, which would ever be ready to pay the tribute of its admiration to their virtues. Were they not to cure their deformities, but to endeavour to put out the eyes of the nation, that it may not behold them? In this thinking, this rational, this reflecting country, they had but to do their duty, and they should insure the approbation of their countrymen. If any plan of reform should be proposed, he besought the house to entertain it with temper, and abstain from all imputation of disaffection to those who may propose it. He

should not detain the house longer, but should most certainly vote for the resolutions of the noble lord.

Mr. Windham felt it necessary to explain his reasons for the vote he should give, or rather for the vote that he should not give. Neither the original resolutions, nor the motion made by a noble lord on the other side, were such as to induce him to give his support to either. He could not agree that they should pass to the order of the day, as it would expose them to misconstruction. On the other hand, the resolutions of his noble friend were too strong and disproportioned to the offence. Two courses lay open; either to vote for neither, or to vote against both. The most regular way would be to oppose the motion for the order of the day, for the purpose of pursuing the medium course that was proposed. The house, in giving their decision, were called upon, in his opinion, to distinguish between the act and the offender. Should they pass to the order of the day, he feared it would be regarded as an implied approbation of the principle. As to parliamentary reform, he never saw any change that was proposed which had either common sense or practicability to recommend it.

Mr. Whitbread moved that the resolution passed by the house in 1799 be read. [The substance of it was, that it was highly criminal in any minister to use the patronage of his office for the purpose of interfering with the privileges of that house.] He called on any man in the house to lay his hand on his heart, and declare whether the offence with which the noble lord was charged did not come under

under that resolution. If it did, was it possible to pass to the order of the day, after the confession which they heard from the noble lord; after his pathetic appeal to their feelings; after he threw himself in fact upon their mercy? He certainly had not much prejudice in favour of the political opinions of that noble lord; but there was something in his manner of leaving the house that almost wholly disarmed him. But the offence was one of the gravest kind. What was Hamlin the foolish tinman's offence? What was that of Beaseley, who was now under prosecution for offering a bribe to the duke of Portland? Could it be said that their offences were as enormous as that of which the noble lord had confessed himself guilty? The noble lord acknowledged the justice of the accusation brought against him. Lord Castlereagh acknowledged that he placed a writership at the disposal of his friend, to enable him to obtain a seat in parliament; lord Clancarty acknowledges the fact; the chancellor of the exchequer admits that it is a great political offence: and how, after these admissions, was it possible to pass to the order of the day? What, under these circumstances, were they to do? why, save the character of the house; for, if they did not, the house was gone! His right honourable friend had exclaimed against the activity of the enemies of the constitution. He did not believe there was any considerable body of men in this country who wished to subvert it. The people collectively were attached to the crown; they were attached to the person of the reigning monarch, and nothing but the egregious misconduct of his ministers, or these about him,

could alter that attachment. He would admit that reform was more popular now than it was some years ago. The rash and ill-considered measures of the last twenty years had made many converts to popular reform. The rejection of the motion made last night would create many; and in proportion as the news should fly, if parliament, to its indelible disgrace, should reject the resolutions proposed, converts would increase. If the house would look back to the history of the late revolutions, they would admit that they might have been stopped at the commencement by concessions the most trifling. He wished to see reform commenced in that house; and he feared they must reform deeply if they did not reform soon. He would sit down in the confident expectation that parliament would do its duty.

Mr. secretary Canning, in voting for the orders of the day, by no means thought that the house thereby would pronounce that the case submitted to them was not of very serious importance; but that the voting for the other orders of the day was, according to parliamentary usage, a way of showing that the house had taken the case into its consideration; and that, having weighed all the circumstances, they did not think it necessary to come to any criminating resolutions. In order however to express this opinion more clearly, he would rather wish that, instead of the orders of the day, a resolution should be substituted, declaring that the house saw no reason for a criminating resolution.

The house divided on the original motion—

Ayes . . 167 Noes . . 213

Majority . . 49.

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The gallery was not reopened to strangers, and the house shortly afterwards divided on Mr. Can-ning's amendment.

Ayes . . . 214

Noes . . . 167

Majority . 47

Adjourned.

House of Commons, May 1.—On the motion of Mr. Ord, the fourth report of the finance committee was read.

Mr. Ord then rose, in pursuance of his notice, to call the house to the report which had just been read. It must have struck every one, that the circumstances of the case stated in that report were such as to call for the most serious attention of the members of that house. Nothing could be more injurious to the public interest than the practice of leaving reports of that description a dead letter on their table. Parliament had for many years past, and was likely to have for many years to come, the task of imposing heavy burthens upon the people of this country; and surely it was the duty of that house to watch over the public expenditure, and correct any abuses that might exist therein. There could certainly be no objection to correct malversations, which had been clearly proved to exist. Not anticipating, therefore, any opposition to his motion, he should not detain the house by further remarks, but detail the circumstances of the transaction, and add the comments which he thought it necessary to submit upon the various parts of the report. The honourable member here gave a brief abstract of the misconduct of the commissioners, and stated their names, viz. James Craufurd, John Brickwood, Allen Chatfield, and

Alexander Baxter. These gentlemen were associated in this commission as fellow-labourers of John Bowles, a member of the society for the suppression of vice, or for pilfering the public. They had been directed by the act to take their instructions from the privy council, and to refer to the committee of that council for their direction on every question of difficulty. Under these circumstances, and without any understanding respecting the remuneration they were to receive, they in the year 1795 proceeded with their sales, and undertook to reward themselves with a commission to which by law they were not entitled. Having given this short account of the transactions, he should next proceed to comment upon those parts of the report of the committee to which he felt it necessary to call the attention of the house. It appeared by the report that no remuneration had been stipulated for the commissioners. This defect, however, they took upon themselves to correct, and charged a commission of 5 per cent. upon the gross proceeds of the property confided to them, amounting in four years to above 80,000*l*. The next point he had to notice was, that they kept no regular account of the money that came into their possession; and this point proved the government to have been more criminal than the commissioners, in suffering this neglect, and not calling for an account. The commissioners had good reason for not rendering any account, because by the first transaction they secured to themselves a commission of 25,000*l*.; and this conduct they had adopted after the violent abuse which Mr. Bowles had launched against all those who neglected to give

give fair returns under the property tax act. The act under which the commissioners were appointed, required that they should lodge their money in the bank of England; yet by the report it appeared, that they had, on the contrary, kept large sums at their private bankers. It had been said, the commissioners were taken from various departments of life, in order to render the institution more perfect: yet it was remarkable, that having a lawyer amongst them, he should be the man to induce them to a breach of the law; and that having merchants, they should state a false amount of commission to be consonant to the general practice in mercantile transactions. In justification of their keeping money at their private bankers, the commissioners had stated the necessity of having large sums at their command; but the report of the committee had put that matter in a clear light, and shown that every purpose of their institution might be answered without violating the law in that manner. The next point which the committee had animadverted upon was equally reprehensible; namely, the amount of balances which the commissioners kept in hand, and which amounted at one period to 200,000*l.*, and during the whole of the latest period was never less than 50,000*l.* It appeared, that in 1796, a period of great public difficulty, the late Mr. Pitt applied to the commissioners for an advance of any money they might have on hand, in aid of the exigency of the moment; and though they had 190,000*l.* at the time in their possession, they told Mr. Pitt they could afford him no assistance. It was the opinion of the committee, that these balances, and the interest arising from them,

should be carried to the account of the public; if they had been vested in exchequer bills, there might have been a saving of from 40,000*l.* to 50,000*l.* By the act, the commissioners were directed to make minutes of their proceedings: no minute, however, was made of these balances; and for the obvious reason, that it might lead to the detection of the improper use to which they were applied. The committee had also adverted to the enormous commission charged by these parties, amounting in the whole to 132,198*l.*, giving a proportion of 27,000*l.* to each commissioner for his services, in little better than four years. Much the largest proportion of this commission had been made upon sales effected by the East India company; so that, in fact, a commission of 10 per cent. was paid upon that proportion, as the East India company had an allowance of 5 per cent. upon their sales. In their defence, the commissioners stated that this was the usual commission among merchants; yet the respectable merchants who had been examined before the committee declared that 2½ per cent. was the usual commission. The commissioners had also referred to the case of the commissioners of French property in the war of 1756, and to the case of prize agents, in their justification. But it appeared that the commissioners in the war of 1756 received upon the whole but 14,768*l.*, which, amongst 14 commissioners, was but 1000*l.* each; and yet this was the case to which these gentlemen referred in order to establish their claim to above 26,000*l.* each. It had also been stated by them, that they had been called prize agents by the lord chancellor

chancellor in the house of lords. The case might have been so; but the circumstance of their having been so denominated by the lord chancellor could not make them prize agents. The business of prize agents required capital, and exposed the party to loss; whereas no capital was required, nor could any risk of loss have been incurred by the Dutch commissioners. Prize agents, however, received but a commission of 5 per cent. on the net proceeds, whilst the Dutch commissioners charged 5 per cent. on the gross proceeds. What were their services that could entitle them to such enormous emoluments! (*Hear, hear, hear!*) The whole of their business was terminated in four years, and yet they continued in the commission till the present time. In the year 1804, it occurred to the treasury that this commission was no longer necessary, and that Mr. John Bowles might be uselessly employed upon it: a case had therefore been submitted to the law officers of the crown, whether it might not then be put an end to; and it was thought expedient to keep the commission alive, in order that the public might not sustain any injury in consequence of the lawsuit then pending. During the last ten years, ten members of this commission had found time to do much other business. Mr. Bowles had been very active in several elections which had taken place within that period, and had besides written thirty pamphlets. Mr. Brickwood, too, appeared by the report to be at this moment a commissioner for Spanish property. But it had been said, that these gentlemen had some of them abandoned their professions, for the purpose of at-

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tending more particularly to the duties of the commission. They were not the first persons who had abandoned a profession for something better.—(*Hear! hear!*) An honourable member, whom he did not see then in his place, the secretary to the admiralty, had also abandoned his profession for a thousand a year. He could see no reason why such a sum of the public money should be given to induce any person to abandon his profession, when several thousands of persons could be procured to do the duty as well for the bare salary. Mr. Bowles also must have a consideration for abandoning his profession; and the house had no difficulty to appreciate the means he had taken to secure that consideration. This gentleman afforded a good specimen of an anti-jacobin—the eulogist of existing powers—the defender of present establishments—the denouncer of all who may condemn abuses, or call for reform, as vile jacobins. These tricks would no longer impose upon the public—the mystery was discovered—Mr. John Bowles himself had let out the secret, and the reign of imposture and delusion was at an end. This transaction afforded a useful lesson to all governments, how they should bestow important pecuniary trusts upon persons having no merit to recommend them but the circumstance of their being mercenary hireling authors. If government should employ such persons, they must share the disgrace brought on by their conduct. For his own part, much as he condemned the conduct of the commissioners, he looked upon the neglect of government as still more criminal. It was this neglect that produced all the infamous transactions which had late-

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ly been brought to light. It was a bounty upon roguery, and an encouragement to abuses. Negligence of this description, and a profligate profusion in the public expenditure, had been peculiar characteristics of the administration under which these commissioners had been appointed. The honourable gentleman concluded with moving his first resolution,

“That it appears to this house, that to commit pecuniary trusts to any persons whatsoever, without having established sufficient checks—without calling for regular and periodical accounts—or without bringing those accounts to any settlement in a long series of years, is a neglect which must lead to the most prejudicial consequences, and a violation of the obvious duty of the government.”

The other resolutions in substance stated, “That such neglect on the part of government had been proved by the matters contained in the fourth report of the committee of finance; that the commissioners had taken to themselves large sums of the public money, which they ought to be compelled to refund; that all their accounts should be sent to the auditors of public accounts to be passed; and that no remuneration should be given to the commissioners till their accounts shall have been passed.”

The chancellor of the exchequer vindicated government, opposed the resolutions, and moved the previous question.

Mr. Rose spoke on the same side.

Sir John Newport would not consent that this motion should be withdrawn, or disposed of by the previous question. If ever there had been an instance of malver-

sation of trusts, it was this one now under discussion. After commenting for some time with much severity of animadversion upon the conduct of the commissioners, the honourable baronet concluded by stating his intention, when these resolutions should be disposed of, to move an address to his majesty, to order the attorney-general to prosecute these commissioners for malversation in the execution of their trust.

Mr. Whitbread asked, if the house, when the falsehood of the statement was detected, and the gross corruption of the commissioners fully established, would neglect to visit their conduct with the just reprehension which it merited? It appeared, that in 1796, a period of great public exigency, Mr. Pitt applied to these commissioners for assistance, by which he might be enabled to defer or to diminish the supplies necessary for the service of the year. Yet, though they had at the time 190,000*l.* in their possession, they declined affording the assistance so solicited on behalf of the public. It should not be forgotten, that one of these commissioners was a *life-and-fortune* man—a man that would spend his last shilling, and shed the last drop of his blood, in support of the state. This man, who talked so much of the sacrifices that should be made in support of the government, was the person, who, having a large sum of public money in his hands, refused to advance it for the accommodation of the service of that public whose property it was. (*Hear, hear, hear!*) What course then was to be adopted? They should have a bill of discovery against these commissioners; they should untruss these Dutchmen,

Dutchmen, and take to the very last farthing of the public money which they may have in their possession. He hoped, therefore, that his honourable friend would not consent to withdraw his motion, and that the honourable baronet would persevere in his declared intention to move afterwards for an address to his majesty to order a prosecution against these parties by the attorney-general. One of these gentlemen was himself so forward in crimination, that he could not expect his own guilt to pass off with impunity. That person could go back into ancient history in search of a name, and dare to designate a member of that house by that name—*Clodius*. He had been in the constant habit of applying to those he calumniated the term jacobin, and that at a time too when the idea conveyed by the term jacobin was that of a man who would overturn the government, and imbrue his hands in the blood of his sovereign—(*Hear, hear, hear!*) Mr. Bowles had written many excellent passages, in various of his publications, which would forcibly and justly apply to his own case. He never can read his own books again without learning his own shame; or, if he must read, he must write other books than those he has already published. Why, he should ask, had five commissioners been appointed, when the act contained but three? Was it that some provision should be made for Mr. Bowles for his services in the *Anti-jacobin* newspaper, in which a person filling a high diplomatic situation abroad (Mr. Frere) and a secretary of state in that house had been fellow labourers with him? Mr. Bowles was a member

of the sect of the strictest observance—he was a Pharisee. He could preach well, and practise wickedness. He could rake the ashes of the dead, and intrude between the soul of the departed and his Maker, in order to make a show of his religion, and to calumniate an illustrious person deceased. The calumny rested upon the assertion of a clergyman, who said he heard it from a sexton, who, when asked concerning it, declared, that whoever said he had stated any such calumny was a villain. Yet this had been the ground upon which Mr. Bowles had dared to traduce the character of the late duke of Bedford in his grave, when there could be no appeal on his part upon earth, and when the religion of the dead could no longer be of any consequence to the living. But he would ask the right honourable gentleman when he had found, upon reference to the law officers, that it was necessary to keep the committee alive, why he had not at least struck all but one out of it? It appeared that even towards the close of 1807, these commissioners, who are esquires, all merchants, or lawyers, or captains, had a desire to get more. Not content with what they had so scandalously pilfered from the public, they wished to add still more to their nefarious acquisition. But even the newspapers which had given insertion to his anti-jacobin paragraphs, had given up Mr. Bowles. “O, John Bowles! O, John Bowles!” they now exclaim, “little did we think when giving insertion,” &c. If he should ever again venture upon the press, he must not appear as a reformer, but reformed. Such

were the men who, at the very time they were raising the cry of jacobinism against some of the most honourable and illustrious characters in the country, were doing more to subvert the constitutional rights of the country than any other men who had existed since the period when jacobinism began; and now the nation would plainly see the true source of that outrageous loyalty and fanatical zeal which actuated such worthy characters as *No popery Bowles*, *No popery Beasley*, and their associates. Such were the men, notwithstanding all the discoveries of peculation which had of late been developed, whom the right honourable gentleman would, by his proposition this night, advise the house to pass over without the slightest censure. Were his majesty's ministers then utterly insensible to the feelings and sentiments of the country at this awful crisis? Surely, if they had but half an eye, they must see the dangerous precipice on which they stood. If they protected such little delinquents as these, what hopes could the country entertain of the detection and punishment of greater criminals?

Several other members spoke. Mr. Thornton said, he should submit to the house an amendment, the substance of which was, that the commissioners had taken advantage of government's not interfering or investigating their proceedings; that they had not given explicit information upon their examination by the committee appointed by that house; and that they had been guilty of great violation of their public duty.

Two divisions took place, the first of which was on the previous

question moved by the chancellor of the exchequer, on which the numbers were,

Ayes 102

Noes 77

Majority . 25 for the previous question.

There was a second division which we understood took place on an amendment proposed to Mr. Thornton's resolution, substituting the word "omission" for neglect," as attributed to government, of which the numbers were,

Ayes 98

Noes 78

Majority . 20

We could not learn the particulars of the final decision; but we understood that Mr. Thornton's resolution (amended) was carried.

Adjourned.

House of Lords, Tuesday, May 2. —Lord Auckland said, that the question which he rose to bring forward related entirely to the discouragement of seductive adultery; a vice, which carries a sense of disgrace and distress into the families both of the seducer and of the victim of seduction; depriving the innocent children of the affections and protection of their parents; and exhibiting in the higher classes a depravity which lowers them in the public estimation, and at the same time tends to corrupt the minds and morals of the inferior orders of society.

It had long been matter of regret to many, that a vice of such malignity and mischief is not yet considered by our laws as a crime.

We provide rigorously and industriously for the punishment of a long list of trivial offences against the

the persons and property of individuals; but we totally overlook the assassins of domestic happiness. Adultery is subject only to the feeble coercion of the spiritual courts; in other words, it is left to its full range unrestrained and unheeded. The adulterer, indeed, may be compelled by a civil action to pay a pecuniary compensation, which in many cases the injured husband is ashamed to receive, and which in no case has the effect that a solitary imprisonment of two or three years would have for the purposes of reform and of example. Under these impressions, he (lord Auckland) had inclined to propose once more to their lordships the bill which they had passed nine years ago, to make adultery punishable as a misdemeanour: but he had been discouraged by a recollection of the many long debates to which he had then subjected himself, and must be permitted to say,

“Non eadem est ætas, non mens.”

His lordship entered much at large on the subject, and pointed out, with great effect, the mischiefs that arose from the laws as they now stood, and concluded with saying, he trusted that he had shown the measure in question to be right in its principle, expedient in its tendency, and correct in its mode. He did not seek to punish excesses, but to prevent them. It was not his wish to aggravate the sufferings of the unfortunate victim of adulterous seduction; but it was his earnest wish, in the words of the poet,

“To teach the unblemish'd to preserve
with care

That purity, whose loss is loss of all.”

He then made the following motion:

“Ordered, that no bill, ground-

ed on a petition to this house to dissolve a marriage for the cause of adultery, and to enable the petitioner to marry again, shall be received by this house, unless a provision be inserted in such bill, that it shall not be lawful for the person, whose marriage with the petitioner shall be dissolved, to intermarry with any offending party, on account of whose adultery with such person it shall be therein enacted that such marriage shall be so dissolved. Provided that, if at the time of exhibiting the said bill such offending party or parties shall be dead, such provision as aforesaid shall not be inserted in the said bill.”

A long debate ensued, in which lord Mulgrave, the archbishop of Canterbury, lord Erskine, the lord chancellor, lords Grenville and Stanhope, took a part; when the house divided—

For the motion 28

Against it 12

Majority . . . 16

House of Commons, Tuesday, May 2.—Sir Thomas Turton, after an introductory speech of some length, in which he expatiated on the miseries now suffering in various gaols of England by insolvent debtors, who, with their starving families, amounted to 18,399 persons, pressed upon the consideration of the house the necessity of a bill for their relief. The present number of insolvent debtors, he said, exceeded by one-third the total of those in prison when the last bill of this nature had passed; and the clause in that bill for allowing persons confined for sums not exceeding 20*l.* to procure their liberation, upon certain conditions, was of no advantage; for scarce any debtor had availed himself of it,

because it relieved it from no other debt than the mere sum for which he was actually confined; and after going to the expense of procuring his liberty, he was liable, the next moment, to be thrown into prison and again charged in execution by any other creditor. Beside, the relief this clause would in any event afford was extremely limited, comparatively with the numbers confined; for out of 339 persons now in the king's bench prison, the number confined for debts under 20*l.* was but thirty-three. It would be necessary, therefore, to introduce into the bill he should have the honour to propose, some principle to remedy the defect. The other alterations, &c. proposed, would be to extend the relief beyond the sum of debt limited by the last bill at 1500*l.* to 2000*l.*, and include persons who were fugitives to the Isles of Man, Guernsey, Jersey, and elsewhere. He concluded by moving for leave to bring in a bill for the relief of certain insolvent debtors in England.—Leave granted, and sir Thomas Turton and Mr. Brand appointed to prepare the same. The bill was accordingly brought in, and passed into a law.

May 4th. Mr. Curwen rose to make the motion of which he had given notice, which he conceived was a motion of the greatest importance that could possibly be submitted to the consideration of parliament. He was perfectly aware that any individual who at the present moment brought forward a motion which tended to agitate the feelings of the country, did so under a very great responsibility. He felt this responsibility; and yet he found himself compelled to complain of abuses. He had well weighed the matter, and it

was his sincere opinion that there was less danger in discussing those subjects than in not discussing them. There could be no denying but that it was the general opinion throughout the country, that men obtained seats in that house by improper means. It therefore became the duty of the house to prove that this opinion was a mistaken one, if such were the case; but if the opinion was a true one, as he believed it was, then he thought it was their paramount duty to remove the abuse of which the country so justly complained. In fact, his majesty's ministers must have known, long before the late disclosures had called for an expression of the public opinion, that the sentiments of the people had considerably changed respecting public men. If they had attended to the apathy and indifference in the public mind with respect to all those who are called public men, they would have observed there had been a great change of late years in the national feeling; and it was their duty to have attended to that change, to have examined its causes; and if the change had been produced by great and palpable abuses in the government, it was their duty to have removed those abuses. He trusted the right honourable gentleman (Mr. Perceval) would not now say that this general feeling was to be attributed to the jacobins, or their conspiracies against the house of Brunswick. If he did declare such an opinion, he would pronounce a libel on the people of England. On a late most remarkable transaction, it was perfectly well known that, out of doors, at least ninety-nine out of every hundred considered the decision of that house to be wrong. For his part, he never in his life gave a vote with

with more reluctance, or with less merit to himself; for he was absolutely compelled by the evidence to vote in a manner that was contrary to the decision of the house. There was one advantage, however, which the house might gain from what passed upon that occasion. The people had again begun to turn their eyes to that house, when they saw such a number of its members (including many of the first talents in that house) supporting in that assembly opinions which coincided with the general opinion of the country. The right honourable gentleman (Mr. Perceval) had certainly not found in the expression of the public opinion any thing particularly hostile to him, or very complimentary to the honourable gentlemen who sat below him. (Here the honourable gentleman alluded to the members of the old opposition.) He therefore thought it would be very mistaken fortitude for that right honourable gentleman to stick to what he could not justify or defend. About the conclusion of the American war, there was perhaps a greater force, both in abilities and landed property, opposed to ministers, than had at any other time been opposed to any minister; and yet, at that time, whatever ministers suggested the house adopted. The opposition then addressed themselves to the people, and were very successful in influencing the public opinion. They infused at that time into the minds of the people a strong desire for parliamentary reform; but they were much to blame for thus expressing opinions in which they were not sincere. There was, therefore, nothing which he now deprecated more than the support which his motion might receive from persons out of place, who would op-

pose it if they were in place. He thought nothing could be worse than thus making tools of the people to serve party purposes; and he hoped at least, that whoever supported his motion to-night would feel themselves pledged to support it if they should come into power. He was not for yielding any thing that was not just to popular clamour; but if the complaints of the people were just, they ought to be attended to, and their grievances redressed. He might agree with some persons that it would be dangerous at the present time to take out a stone from the fabric of the constitution, but he thought it would be presumptuous to say, we should not strengthen its foundation. When a right honourable gentleman (Mr. Pitt) came forward first in parliament, and agitated the question of reform, he made a great impression on the house, and if he had persevered in it, he must have succeeded; but unfortunately he became a minister, and then all his former principles respecting reform were forgotten. He felt perfectly convinced, that if the government at that time had yielded to the opinion of the people, the horrors of the reign of terror, and most of the evils which this country and Europe now suffer, might have been prevented. It must be recollected, that when, at the commencement of Mr. Addington's administration, many harsh and severe measures of the preceding administration were repealed, this act conciliated the affections of all classes of people, and produced a general union in support of his government. The existence of these abuses had been expressly stated to the house on the petition of Mr. Horne Tooke, and ministers did not then attempt

to deny it. It had appeared that one mercantile house was possessed of four seats, and nobody could suppose a commercial house would give 20,000*l.* for those seats unless for their own private advantage. Indeed he believed he might take it as a thing generally granted, that such abuses did in fact exist; and therefore the house was bound to vote for a motion that they should be removed. There were many other reasons which made such a regulation more necessary at present than in former times. It had been voted by a former house, that the influence of the crown "had increased, was increasing, and ought to be diminished." This influence had, however, continued to increase in an alarming degree since that time, by the immense increase of the army, navy, and revenue officers, which added so far to the influence of the crown and the patronage of ministers, that, if they required being jealously watched in former times, they required much stronger guards now, or else they might completely overbear the independence of the legislative body. Besides the increasing preponderance of the ministers, there was another preponderating influence now exerted in the house of commons. He neither wished to depreciate commerce or commercial men, but still he thought the landed interest should preponderate over the moneyed interest in the house of commons. The landed gentlemen were attached to the country by a common interest; but it often happened that the speculations of commercial men might be in opposition to the interest of the country. When the news of war was received with three cheers at the Stock exchange,

it could not be forgotten that war also brought with it loans and contracts, by which commercial men might profit. He believed that men meeting this way in bodies, often expressed sentiments which they would individually disavow; and that many of those who huzzaed on the 'change at hearing of a war, would in private confess that war in itself can never be desirable for a country. There were many abuses which the country might justly complain of; and if ministers would redress them, they would be doing an incalculable service to the country, by bringing back the confidence and affections of the people to its public men. When they saw pensions of 300*l.* per annum granted to persons of the highest rank, it was enough to make people indignant. When every cottager in the country was obliged to maintain his own children, it was too much that they should be taxed to the maintenance of the children of the rich and great. They did believe that these things were only done to support an infamous borough-monger system. If this system was weakened, it by no means followed that government would be weakened. Many members of parliament, who in the reign of James the second were obliged to bow to the corrupt system then prevailing, became afterwards very distinguished and useful members of the state, under a better government. Notwithstanding all that had been said about whigs, he believed there were many now in the country who possessed the genuine whig principles, which laid the foundation of the prosperity of the country as well as its independence. The great object in which he thought the gentlemen

on

on both sides should now be united, was to unite the public sentiment, and carry the affections along with them in all their proceedings. He concluded by moving "for leave to bring in a bill for securing the independence and purity of parliament, by preventing the obtaining seats by improper means, and also to extend the laws respecting bribery."

Mr. Hibbert seconded the motion.

A long debate ensued, but leave to bring in the bill was unanimously granted. The subject occupied much of the time of the house during the remainder of the session. It is impossible in the limits of our work to give even a sketch of the discussion which it occasioned. The speakers on all sides of the house seemed to admit the facts stated by Mr. Curwen, and with a very few exceptions, they all appeared to be convinced of the necessity of the measure: but in passing through the house the bill was frittered away in all its important provisions, so that many of the friends to reform refused to vote for its enactment into a law, lest it should prevent a more effectual bill from being brought in hereafter. It was, however, passed in the house of commons, on the 12th of June, after three divisions. The majorities, owing to the opposition of Mr. Adam, lord A. Hamilton, Mr. Wilberforce, &c., were very small.

May 5. Mr. Madocks rose to bring forward the motion of which he had given notice some days ago, relating to corrupt practices of the treasury with respect to the return of members of parliament. He observed that he was fully aware that he had no claim on the attention of the house, but that which he

derived from the very important nature of the subject that he felt it his duty to lay before them. The task he had undertaken was most ungracious and unpleasant; and nothing but a strong sense of public duty should have induced him to place himself in the situation of becoming the accuser of any man. It would not be necessary for him to trespass long upon the indulgence of the house. The substance of the motion he meant to propose lay in a very narrow compass. It consisted in a charge of corrupt practices against two of its members. He wished only to be permitted to make one prefatory observation, and it was this, that the facts that came to his knowledge were so dangerous, so prejudicial to the genuine spirit and principles of the constitution, that he would have justly merited to be stigmatized as a traitor to his country if he had declined to lay them before the house. Before he proceeded further, he would move that the several entries on the journals relating to the proceedings against the two Shepherds, members of that house, be read. [The clerk here read the entry, dated the 13th February, 1700, in which it was stated, that Samuel and Francis Shepherd, esqrs. members of that house, were ordered to attend in their places, on charges of corrupt practices respecting seats in parliament; also the entry dated February 15, 1700, specifying, that corruption had been practised on the electors of Newport in the Isle of Wight, Malmsbury, Wootton Bassett, and other places; also the entry of March 18, 1700, stating, that Messrs. Shepherds had been heard in their places, and by their counsel at the bar; finding the charges proved; and ordering that Samuel

Samuel Shepherd, senior, be committed to the Tower, and his agent to Newgate.] He wished to call the attention of the house to the form of the proceeding on that occasion. It appeared first, that information of the corrupt practices was laid before the house; next, that the two Shepherds were heard in their places; and thirdly, that they were heard by their counsel at the bar. The charges he had to bring forward were against two of his majesty's ministers; one against the right honourable Spencer Perceval, for having, through the agency of the honourable Henry Wellesley, been guilty of corrupt practices respecting the returns of members to that house. The other was against the right honourable lord viscount Castlereagh, for similar practices. He would take up the time of the house no longer, but move that these charges be heard at the bar on Tuesday next.

The motion having been read from the chair,

The chancellor of the exchequer (rising under evident agitation) said, that he knew not what course was pursued in 1700, the æra of the honourable member's precedents; but through the whole of his acquaintance with the proceedings of that house, he never knew any instance when an accusation was brought forward against a member, that the substance of such accusation was not previously communicated to him; and that, through the common courtesy of the house, he was not allowed to be heard in his defence. The honourable member, however, was the best judge of the course he meant to pursue. Under these circumstances, nothing remained for him but to make his bow, and

leave the question to the decision of the house. [The right honourable member immediately left the house.]

Sir J. Anstruther said, that the form of proceeding proposed by the honourable member was one of the strangest he ever heard. The house would pause before it came to so extraordinary a resolution. Whether the persons accused stood there as his majesty's ministers, or whether they were the lowest members of society, they were entitled, before they were called on for their defence, to be acquainted with the nature at least of the crime with which they were charged. What information, he would ask, had the honourable member given, to call upon the house to adopt so solemn a proceeding as a hearing at their bar? What charges had he specified against Mr. Spencer Perceval or lord Castlereagh? Would any court which deserved to be called a court, conduct itself upon such principles? Was it ever heard, that a person is to be set down as one under accusation, without the slightest information having been laid before the house? The honourable member tells them that he is informed a member of that house had stated in a former debate some instances of corrupt practices within his knowledge; and upon these grounds he prefers a charge, which has the effect of obliging the right honourable member to quit the house. If every member against whom indefinite and vague charges of this kind might be brought forward must withdraw, as a matter of course, the honourable member might soon have the whole house to himself. He deprecated the scattering of loose and unfounded accusations.

accusations. The honourable member was totally mistaken in his precedent. As far as his recollection served him, it did not sanction the form of proceeding he recommended. The charges against the Shepherds were the subject of long and frequent examinations before committees of that house. There was no precedent for putting a man on his trial on such slight grounds.

Sir. F. Burdett and Mr. Bidulph spoke for the motion, Mr. Bathurst against it. Mr. Madocks said he was willing to adopt any mode of proceeding the house should recommend.

Mr. secretary Canning thought there could be but one sentiment in the house on the subject of the present motion. Considering the mode in which it was brought forward, and the mistake in the case of the precedent referred to, he was convinced that the house ought to mark its opinion in so decided a manner, as not to render itself liable to a recurrence of such a proceeding. He rose, therefore, to advise the house not to agree to the withdrawing of the motion, but without intending any personal disrespect to the honourable mover. He should consequently oppose any motion of that nature, and call for the marked opinion of the house.

Mr. Whitbread rose to offer a few words. He commenced by noticing the curious reason assigned by the secretary of state for refusing to permit the motion to be withdrawn, and then negating it; namely, that the house would thereby prevent the recurrence of similar errors. But it was for all that right honourable gentleman's ingenuity to find out how such a result as that was to be produced by the naked entry on the journals

of a proposition made and negated. This motion was treated by honourable gentlemen opposite, as one part of a general system organized for the attack of all public men. This he must deny. Where was such a systematical plan to be discovered? What was to be expected from the feelings of the public, when they saw lately such an instance of the judgement of that house in a case where the accusation was brought home to the accused person, who *confessed* the commission of the offence, and whose confession was upon record; and yet that house (always so watchful of its privileges and its dignity) took no notice of what was proved, and saw no necessity of coming to any criminating resolution? Where did their motions for investigation fail, when they were put into a *tangible* shape? A right honourable gentleman had thought proper to make some remarks upon gentlemen's attending certain clubs and societies existing for the purpose, as he supposed, of exciting the public mind and inflaming popular passion. What had, in fact, excited the public mind? What, but the results of recent investigations into transactions of public importance? what, but the refusal of the house of commons to do justice on a member and a minister who did not deny his offenses? What, without imputing such a design to ministers, would be the consequence of an attempt to stifle the expression of the public voice? He readily avowed, that during the whole of his political life he had been in the habit of attending meetings of the people. Every word he had said on these occasions he considered himself responsible for. Could any man arraign the conduct of his honourable friend

friend who made the motion, and venture to say that there was not corruption in the election of members of parliament? He had never been in office, and therefore had not the means of such particular knowledge of these things as some others; but he could speak from that sort of general knowledge that he had acquired on the subject, and was desirous that it should pass under an examination. He thought his honourable friend might fairly stand on the question of form, and take the sense of the house. It was improper now to enter into particular observations while the parties accused were absent; but he contended that cases might occur, and in which a member might not have a quarter of an hour's notice, to bring general charges. The secretary of state wished a negative to be put upon this motion, to serve as a sort of land-mark to prevent future attempts at encroachment. He too wished the sense of the house taken, to serve as a land-mark of the privileges and duties of members of that house. Corrupt conduct was imputed to Mr. Spencer Perceval and lord Castlereagh. The responsibility was on the mover, and let the house decide fairly; the withdrawing of the motion might carry the appearance of mistake in the mover. It might have been more prudent to consult the opinion of the chair; but, the motion being made, he thought the principle of the right ought not to be yielded. This was an attack, not upon all public men, but on their corrupt practices; and if defeated in the question now, he hoped it would be brought on again almost immediately. They all knew of these practices, and they had recognized them. The house of com-

mons had passed over a case proved before them, and the man remained a minister of state. Does not that transaction show that abuse is not corrected or checked? and those men who do not wish for a parliamentary reform, should look well to the remedy of what is practically wrong, and for which members might be sent to Newgate. A member offers to prove the existence of ministerial corruption, and up jumps some honourable gentleman, and charges him with attacking all public characters, and endeavouring to destroy the constitution from the foundation, and to build up some new edifice. He denied again the truth of such charges. He saw no proof or just suspicion of such a system as was alluded to. If the house would not give the people the right of public investigation into abuses, the people may be contented and quiet; but they would see, that they who refused inquiry refused to them the British constitution.

Mr. Yorke spoke with great animation in reprobation of the motion. He considered it as unjust and ridiculous. Were honourable gentlemen so ignorant of the history of their country, of the forms and privileges of that house in which they had the honour to sit, as to encourage a motion so unjust and unprecedented? Every man who was conversant in the proceedings of the house, who had the smallest ideas of justice, of liberty, of the laws under which he lives, must give it his decided negative, and not allow a refuge to this unjust, this ridiculous motion.

The motion was negatived:

May 11th. Mr. Madocks rose, and moved that the resolution of that house passed in the year 1779 be now read; which was accordingly done.

done. The resolution states, that it is highly criminal in his majesty's ministers to use the power they have by their official situations, in directing or influencing the elections of members to be returned to the commons house of parliament, which it describes as an act contrary to the independence, privileges, and dignity of that house, and an injury to the rights and liberties of the subject, and subversive of the foundation of the constitution.

Mr. Madocks then rose again, and moved that the resolution passed on the 25th of April last by the house be read; which was accordingly done. [This was the resolution passed in the case of lord Castlereagh, on the discussion of the motion of lord Archibald Hamilton.] This resolution states in substance, that it is the duty of the house of commons to maintain and guard the purity and independence of parliament; but that, the intention charged not having been carried into effect, no criminatory proceeding appeared to the house to be necessary to be instituted.

Mr. Madocks then rose and stated, that before he redeemed the pledge he had made to the house, and proceeded to state the facts, which, he was confident, warranted him in the imputation he had made of conduct corrupt and criminal against the right honourable the chancellor of the exchequer and the noble seeretary of state, he should hope that the house would allow him to make a few preliminary observations. He wished to abstain from any personal observations, and he could assure those two right honourable members, that he was actuated by no personal motives. He was

desirous even to overlook the men, provided he could expose and reform the system to which he had called the consideration of the house; a system which said, in effect, that corruption was necessary to the support and existence of the British constitution; and that our constitution, according to the best explanations and defence of its principles and practice, was, without corruption, inadequate to the maintenance of our relations to foreign powers, and the means of our self-defence. He would repeat, that at any rate he had no stronger feelings against the two right honourable members than they themselves had manifested against the conduct of another administration, when that conduct was not such as to reach their approbation. He declared that he was no party man, except in so far as he was disposed to support those gentlemen who held principles which he deemed it right to support; and he avowed that he was a decided foe to corruption. He thought he could not do better than to recur to the right honourable gentleman's (Mr. Perceval's) own words, when he maintained, that at no time had there been less corruption in this country than at the present, but yet stated that we ought to hunt out the instances of corruption and abuse, and expose them, and bring public offenders to public punishment. The nature of this influence of the treasury branched out in so many ways, that he had no intention nor time to enter at length into the subject; but he thought there was one view of it in which it demanded the most serious consideration and investigation of the house. He meant particularly to allude to that practice by which sinecures were

were given in pay to individuals who nominated members for corrupt boroughs. This money, he believed, was applied to a fund established for the purpose, and was doled out to carry on particular elections. He could enumerate several boroughs under the influence of the treasury, through the instrumentality of the public money. There was the borough of Hastings, where there were a Mr. Milward and his son, who were the agents of the treasury in that place, the younger of whom was comptroller of excise, a place worth 1450*l.* per annum, and which, in the case of a parliament lasting seven years, produced a sum of 10,150*l.* for that species of agency in the representation of that house. He mentioned some other cases, and then proceeded to state, that in the last election a sum was paid, through the negotiation of lord Castlereagh, to Mr. Henry Wellesley, as the agent of the treasury, by Mr. Quintin Dick; in consequence of which payment, the said seat for the borough of Cashel was obtained by Mr. Quintin Dick. He was likewise informed that Mr. Spencer Perceval was privy to the transaction; and that Mr. Quintin Dick, having taken his seat in that house, did, pending the discussions concerning the administration of the army under his royal highness the duke of York, wait upon lord Castlereagh, and acquaint him with the nature of the vote he intended to give on that subject; on which lord Castlereagh, after consulting with Mr. Spencer Perceval, suggested to Mr. Quintin Dick the propriety of his relinquishing his seat, rather than give that vote.

He hoped that in such a case the house of commons would vindicate

its own purity and dignity, and quoted a passage in the Hampshire petition, on which he passed an encomium, as worthy the perusal of the country. He concluded by observing, that he had thought it his duty to bring forward this outrage on the independence of the house; and felt the more emboldened to do so from their resolutions, which had been read to them.

The chancellor of the exchequer said, it appeared that this was not an attempt to assert the dignity or avenge the injured honour of the house in any particular case of offence, but merely a step in the pursuit of that plan and measure which had been already announced by the honourable member; and for which purpose he singles out one act, not, he believed, vindictively against him and his noble friend, but to make examples, in order to impress the public mind with the necessity of that plan of reform which was projected. The proposed motion of the honourable member appeared to be withdrawn, and this proposition was substituted in its stead, as the first step towards the effectuating of his objects. When he saw, that in whatever shape he made this motion, he was endeavouring to lay down a precedent for himself and for others, he must, on his part, take care not to establish that most dangerous precedent, of entering into discussions of charges made without any proofs exhibited; derived from he knew not what sources of information, or through what channels, or through the breach of what confidence between individuals; (*Hear !*) by which an individual was to be called upon, on a mere statement, to explain his own conduct, or to risk by his silence a presumption on the

part of others of his share in the guilt of charges stated. He would say, that if this practice were encouraged, it would lead to the establishment of a system of inquisitorial proceedings, highly dangerous to every species of honourable confidence in private and in social life. We lived in times, in which we must see that it is a great and favourite object with many, to procure information against public men, and that persons so employing themselves actually endeavour and succeed in rising into public estimation by such means. We saw information of this nature collected assiduously from every quarter, by the violation of private confidence, by the seizure of letters (*Hear!*); in short, by any means whatever by which it can be obtained, to make it the foundation of public charges! (*Hear! hear!*) He felt impressed with the opinion, that it was more consistent with the security and welfare of the house and the public, that he should abstain from taking any notice of the charge made against him, if indeed it was a charge against *him*; though indeed it appeared to be chiefly against the noble lord; but it was said that the offence was afterwards communicated to him. He protested, however, against any inference being drawn against him upon this occasion; but he should content himself with giving to the charge no other denial than his plea of not guilty, until he should know that the house was disposed to proceed further on the subject. Mr. Perceval then withdrew.

Lord Castlereagh then rose, and said, that he could not express what he felt on this occasion better, nor more adequately, than by adopting the statement which had been made by his right honourable

friend who had just left the house. He had nothing to add to that statement, and fully adopted every part of it. [The noble lord then made his bow, and withdrew.]

The speaker then informed the honourable member (Mr. Madocks) that this was the proper time for him to make his election as to the course he should adopt.

Mr. Madocks moved, that the house do, on Wednesday next, resolve itself into a committee of the whole house, to examine into the matter of the said charge.

A long debate ensued, but on a division there were

For the motion . . . 85

Against it 310

Majority . . . 225

May 12. The account of the produce of the war-taxes was referred to the committee; when, the house having resolved itself into the committee, Mr. Wharton in the chair,

The chancellor of the exchequer rose, pursuant to notice, to submit to the committee a statement of the ways and means of the year. In proceeding to submit the resolution with which he meant to conclude, for ratifying the contract, made that morning by the treasury, for a loan of 14,600,000*l.* to complete the ways and means of the year, it would not be necessary for him to take up much of the time or attention of the committee by any introductory remarks. The satisfactory nature of the contract, and the advantageous terms for the public upon which it had been concluded, would be sufficient to entitle it to the earnest attention of the committee. Without further preface, therefore, he should proceed to the important duty he had to perform, in stating the supplies

plies which had been voted for the service of the present year, and then in succession the correspondent ways and means which had been provided to defray those supplies. And having so done, he said there was one circumstance arising out of the present state of the continent, which he felt it his duty to communicate to the house. Under the existing circumstances of the continent, it was not at the present moment thought desirable, that any definite arrangement should be entered into, which should give rise to any expectation that his majesty would furnish his allies with any very considerable pecuniary assistance. However anxious his majesty's government may be to assist them in the struggle in which they were engaged, it was not their intention to hold out to those allies any expectation of pecuniary aid, during the present year, to a greater amount than would be covered by the vote of credit proposed. He had also to state, that, though no treaty had been entered into with the Austrian government previous to the war, nor any engagement made with that power, yet an expectation did exist on the part of that power, as to what this country would do in the event of a war taking place. In consequence of this impression, without having had any communication with his majesty's government, the Austrian government, on the commencement of the war, had drawn bills upon this country,

which bills it had not been deemed right to pay, until the circumstance should be mentioned to parliament. When the bills arrived, he would confess, that it was the intention of his majesty's ministers, to advise his majesty to recommend to parliament to enable him to pay them. If it should meet with the concurrence of the house, it was proposed to pay the bills out of the vote of credit. (What is the amount of these bills? was asked across the table by lord H. Petty). It was not easy to ascertain yet; they might perhaps amount to three hundred thousand pounds. But before any appropriation would be made for the payment of these bills, it was considered absolutely necessary to procure the consent and sanction of parliament. This subject was not at that moment open for any discussion, nor could it properly until some specific vote should be proposed upon the subject. The occasion, however, of stating to the committee the ways and means of the year, appeared to him to afford the most appropriate opportunity of communicating this circumstance to the house, which upon every ground ought not to be kept back from parliament, without whose concurrence no money could be appropriated to the case. Having gone through all he had to state, he concluded with moving a resolution for agreeing to the terms of the contract for the loan; which after some discussion was agreed to.

CHAPTER V.

Debate on Lord Erskine's Bill to prevent Cruelty to Animals—Mr. Ward's Motion for a Monument to Captain Hardinge—King's Message—Sir Samuel Romilly's Motion on the Criminal Code—Increase of the Judges' Salaries—Lord Sidmouth's Motion respecting the Toleration Act—Debate on Lord Erskine's Bill in the House of Commons—Sir Francis Burdett's Motion on Parliamentary Reform—Mr. Wardle's Motion on public Economy.

HOUSE of Lords, Monday, May 15.—Lord Erskine moved the order of the day for the second reading of the bill which he had before submitted to the house, to prevent wanton and malicious cruelty to animals. As the law at present stood, his lordship said that this species of cruelty was undoubtedly punishable; but the cases in which it chiefly came under the cognizance of the courts were where the parties were considered rather as injuring the property of their masters, or other persons, than as being guilty of a violation of those duties which we owe to the lower creation. He wished to restrain a description of beings, who knew little more of the laws of their country than that they afforded them too much facility for ill-treating the animals under their care. His object was to prevent such men, when reprimanded for their conduct, from retorting with bitter curses, and asking whether the animal belonged to their reprover?

His lordship distinguished between the dominion which man might justly exercise over the lower orders of the creation, for

his sustenance and convenience, and the duty, though one of imperfect obligation, which he lay under, of not abusing that power so as to put the animals under his protection to unnecessary pain. The preamble of the bill asserted this principle to the furthest extent that morality and religion could carry it; because he looked to a degree of efficacy from the solemnity of that sanction, beyond what he could reasonably expect from the enactments of the bill.

The lord chancellor approved of the principle of the bill; but thought the application of it attended with some difficulty. That, however, was a matter of consideration for a committee, and in that stage of the proceeding he would give the measure every possible attention.

The bill, read a second time, afterwards passed the house of lords, but was thrown out in the commons.

May 18. Mr. Ward in the house of commons rose to move for a monument to the memory of capt. Hardinge; and in recounting the actions of his short but brilliant career, he said the first signal ac-

tion which challenged for him the notice of his country was the siege of Acre, where he had the honour to commence his eminent services under the gallant sir Sidney Smith. The ship on board of which he acted as lieutenant was blown up; his captain and the greater part of the officers and crew killed. He next commanded a gun-boat on the coast of Egypt, and signalized himself so eminently as to obtain the praise and admiration of his commanding officer, and was honoured by a gold medal. He was afterwards promoted to the command of the *Terror* bomb, in which he eminently signalized himself by the bombardment of *Granville*, on the coast of France, in which service most of his crew were killed, and the vessel so shattered, that she became unfit for service. Captain Hardinge's conduct on this occasion was such as to obtain the highest commendation in the official dispatches of sir James Saumarez. He was next transferred to the command of the *Scorpion* sloop, in which, amongst a variety of eminent services, he performed another achievement, which proved him, though a boy in years, a veteran in valour. It was the cutting out of the *Atalanta* brig, on the coast of Holland, where he had to sustain the attack of that and another brig, each of much superior force to the vessel he commanded; notwithstanding which, after long maintaining an unequal conflict, he made one of them his prize. The gallantry of this conquest was greatly enhanced by the circumstance of the attack having been made in boats, a service of peculiar risk and danger, and for which none but British seamen were fit. Of these he had but 60, while the

enemy's ship he captured was manned with 260. In this enterprise he was accompanied by the gallant captain Parry, to whose valour captain Hardinge, in his dispatch, paid the highest encomium; though, in the spirit of true bravery, he was perfectly silent as to himself. He paid also the highest encomium to the valour and intrepidity of the Dutch captain, who was killed in the action; and never afterwards did he speak of this circumstance but with tears. The last service in which this gallant officer was engaged was with the *St. Fiorenzo*, under sir Edward Pellew, in the Indian seas, where the enemy had a number of peculiarly stout frigates more numerous in guns and heavier in metal than usual, in which they committed the greatest depredations on our trade, and awaited our homeward-bound ships. Here it was the fortune of the gallant captain Hardinge, in his frigate *St. Fiorenzo*, of only 38 guns and 150 men, to fall in with the French frigate *la Piedmontese*, of 50 guns, manned with 366 men, French and Lascars; and after three successive long and bloody engagements, fought on three successive days, he gloriously fell on the third day almost in the moment of victory; for the action was nobly maintained under lieutenant Dawson, his second in command, the enemy's frigate captured, and brought to a British port. The honourable member then read several extracts from the dispatches of sir Edward Pellew, lord St. Vincent, admiral Tyler, sir James Saumarez, and other admirals, and general Maitland at Ceylon, bearing the highest testimony to the character and honour of captain Hardinge, and

stated

stated that at Bombay a subscription of 3000*l.* was raised under the auspices of sir James Mackintosh, to erect to him a monument; which he trusted would operate as a stimulus to the generosity and gratitude of his country. The honourable member then observed, he was aware there might be some difference of opinion as to the propriety of voting a monument to captain Hardinge for a victory in itself not of that great national consequence for which monuments are usually voted. He trusted, however, that the victory was of such a nature—the instance of valour and intrepidity so extraordinary, as to draw a peculiar line of distinction on captain Hardinge's case. He concluded by moving an address to his majesty, praying that he would be graciously pleased to give directions that a monument be erected to the memory of captain Nicholas Hardinge, for his eminent services to his country, during his short but gallant life, but particularly in the Indian seas, in March 1808, where he fell gloriously, after three successive actions with a French frigate of superior force, *La Piedmontese*, which was taken from the enemy; and that this house will make good the same.

Mr. Windham felt himself under the necessity, however reluctantly, of opposing this motion; because, if once the principle were to grow into practice of voting a monument to every officer whose valour might lead to a loss of his life in actions with single ships or frigates, not only would the claims upon the country become innumerable (such was the prominent valour of our naval officers), but the thing from its frequency would cease to be, what it now is, an honourable di-

stinction, the very rarity of which constituted its chief value. This was not the kind of case in which the country had been accustomed to vote monuments; it was not that great and signal victory of vast national importance, by which the gratitude and enthusiasm of the country were wound up to such a pitch, as in fact to run before the house in the wish of distinguishing the memory of the deceased.

Several other gentlemen spoke, and the vote for the monument was carried *nem. con.*

May 25. Mr. secretary Canning delivered to the house the following message from his majesty:—

“GEORGE R.—The king thinks it proper to acquaint the house of commons, that the ancient relations of good understanding and friendship between his majesty and the emperor of Austria have been happily restored, and have been confirmed by a treaty, of which, when the ratification shall have been exchanged, his majesty will direct a copy to be communicated to the house of commons.

“Although the provisions of this treaty do not include any stipulation for pecuniary assistance, his majesty is, nevertheless, desirous of being able to afford to his imperial majesty such assistance of that description as may be called for by the circumstances of the contest in which his majesty is engaged against the common enemy, and as can be furnished by his majesty, consistently with the other extended demands upon the resources of his majesty's dominions.

“His majesty is equally desirous of continuing to the Spanish cause such succours as may be requisite for sustaining and assisting the efforts of that nation, against the tyranny and usurpation of

France, as well as of giving consistency and effect to the exertions of the people of Portugal, for the defence of their lawful government and national independence.

“ His majesty relies upon the zeal and public spirit of his faithful commons, to enable his majesty to provide for these great objects, and to take such other measures as the exigency of affairs may require.

“ G. R.”

The chancellor of the exchequer moved, that his majesty's message be referred to the committee of supply to-morrow; which it was, and a vote of credit granted.

May 26.—Sir Samuel Romilly rose to revive a motion he had made in the last session, for a return of the number of persons who had been committed to the various prisons throughout the united kingdom for a certain number of years, in order to be tried for capital and transportable offences, specifying such as were convicted, such as underwent the sentence of the law, and such as were pardoned, or their punishments commuted for others or lesser severity; and his object in this motion was to submit for the consideration and adoption of the legislature, but not before the next session, a measure for mitigating the severity of the criminal laws, and better securing the certainty of punishment for actual guilt. As to the return necessary, he should go back to the year 1802. What he wished chiefly to know was, the number of persons who were convicted of capital and transportable offences, distinguishing those who had suffered the sentence of the law; but he found great difficulty in obtaining any correct information on the subject at the office of the secretary of state. It appeared there, that from 1802 to

1808 the number of males committed for stealing in dwelling-houses was 499, and the number of females 414; and out of the number of 913, it did not appear that more than one was executed; but there were no means of ascertaining how many of the remainder were convicted, or how they were disposed of. With a view, therefore, to distinguish what was the practice compared with the law, he should move for a return of the number of persons committed for trial in the several counties for the years 1805, 1806, 1807, and 1808, distinguishing the crimes for which committed, the number convicted, the cause of punishment, the number discharged by proclamation, and the number executed. The next return wanted was the whole number sentenced to transportation to New South Wales, with the several periods of their transportations from the time of its first establishment. There was another point on this head most material for consideration; namely, the time usually allowed to elapse after sentence, before those persons are sent out of the country, a time often exceeding the period limited by their sentence, and during which they were generally imprisoned on board the hulks. It would therefore be necessary to move for the dates of the several convictions, the numbers who died on board the hulks, and the dates of departure for New South Wales. He thought the long continuance on board the hulks a mischievous practice, and that this should not be any longer permitted. He concluded by moving for the returns already stated. The motions were generally agreed to.

June 1. The chancellor of the exchequer rose to move the order of

of the day for the house resolving itself into a committee upon the proposed augmentation of the salaries of the judges.

Mr. H. Martin declared his anxiety to learn whether it was proposed to defray the amount of the proposed increase out of the reduction of the sinecure offices connected with our judiciary establishments—a measure strongly recommended by most able reports of committees of that house.

The chancellor of the exchequer did not think that the present question should depend upon the nature or quantum of these proposed reductions. He considered the merits of the increase stood upon intrinsic grounds, and that the other was an after consideration. He then moved, that the speaker should leave the chair for the purpose of going into a committee.

Mr. Henry Martin expressed his anxiety to guard against any misconception or misrepresentation of his opinions. He was distinctly a friend to the principle of the measure, upon the ground that to the great and valuable services of the judicial administration such an increase was highly necessary. But whilst he did justice to the judge, he also thought that it should not be withheld from the people. Fourteen years ago, after very laborious investigations, a committee of that house had recommended the cessation of sinecure offices, connected with the courts of law, to the amount of 27,879*l*. With such information before the house and the country, he asked whether, if the public were called upon to pay additional and deserved salaries to the judges, this was not the proper moment to ask the minister who proposed it, whether it was his intention to meet such an additional

augmentation from the fund, which must arise from the recommended reduction of useless offices in the courts of law?—The answer to the question he was solicitous to obtain, as it would determine his support to the particular motion of the chancellor of the exchequer.

The chancellor of the exchequer forbore to pledge himself to any conclusive course of conduct, relative to the reduction of those offices. The present measure stood, he contended, upon wholly independent grounds, without any reference whatsoever to the subordinate offices connected with such situations.

Lord Henry Petty also considered the present proposition wholly distinct from any reference to its collateral consequences. It was merely, whether, in the present state of the public circumstances, the country was not called upon to render the elevated situation of a judge more commensurate with the labour he performed, and the dignity he was bound to support.

The speaker then left the chair, and the house went into a committee.

The chancellor of the exchequer, after various preliminary observations, stated the object of his intended resolution, namely, to vote from the consolidated fund, such a sum as would afford one thousand pounds a year additional, both to the chief barons and justices, and to the puisne judges of the courts of law in England. In pressing such a measure upon the house, he was aware that it would feel the necessity of enabling the elevated individuals in the administration of justice in this kingdom, to support that decent and due dignity; at the same time that such a course should not intrench upon their pro-

perty as individuals, or upon the future interests of their family. With respect to the other judiciary establishments of the united kingdom, he had to propose an increase at present only for the judges of Wales: taking the same standard as he did in the former instance, merely to make the real income equal to the nominal, he proposed an increase for the Welsh judges to the amount of 300*l.* a year. This, with some alterations in favour of the judges, was carried.

House of Lords, June 2.—Lord viscount Sidmouth rose to move for an account of the licenses granted yearly under the toleration act since the year 1780. He would be one of the last to infringe upon the provisions of that wise and benevolent act. He thought that the far greater proportion of those who dissented from the church establishment, did so from conscientious and worthy motives, or from reasons that he had no doubt were laudable, and he believed that they would not think that his view of this subject was unjust or uncharitable. But he did believe that the toleration act had been much abused. Previously to the ballot for the militia, and previously to other occasions which called upon every man to do his duty to his country, many persons took out licenses to preach for 1*s.* who never intended to teach and preach, and who were not qualified to perform those important duties. He thought that such persons swelled improperly the list of licensed preachers, and teachers. Such persons ought to state the particular points of their dissent, and to give attestations of their character and qualifications. He highly commended the principle of the measure announced on

the preceding night, for augmenting the bounty of Queen Anne, and was sure that it was only by such means as were proposed, namely, those of giving respectability to the ministers of the church, that the great object which he trusted all their lordships had in view on such a subject as this could be effected. He should on a future occasion have something further to submit, but at present confined himself to his motion, as he had already stated.

The archbishop of Canterbury said, that the fact of the great increase of sectaries and dissenters from the established church of England, was one which was so clear that no man could doubt it. His grace supported the motion, and expressed his approbation of the measure proposed on the preceding evening.

The fact was, said his grace, that our population had, particularly in some large towns, far exceeded the machinery by which the beneficial effects of our church establishment could be universally communicated. He did not wish to interfere in the smallest degree with the wise and just system of toleration, and though he lamented the present deficiency of means on the part of the establishment, he was not friendly to measures of restriction: so far from that, under the present circumstances, he should be sorry to see any such measures resorted to. But he trusted their lordships would consider the real state and number of the parochial places of worship in the country under the establishment. His grace begged, however, to state, that with respect to the licenses alluded to, the bishops had no power whatever.

Earl Grosvenor concurred in most

most of what had fallen from the preceding speakers. His lordship thought the matter of the highest consequence. He held in his hand a printed letter to the late archbishop of Canterbury, calling upon his grace's interference; and stating, out of not a large number of persons receiving licenses, that seven or eight of them spelt the word "Gospel" differently; and as many others made their mark, instead of signing their names, on paying their shilling for a license under the toleration act.

The lord chancellor expressed his desire to see every thing done that could be done in favour of the established church, and hoped that something might be done to prevent those abuses that were practised on the toleration act, by which men who never intended to preach or teach took advantage of that liberal enactment, to avoid the civil or military service which no conscientious or religious person would take such means to avoid.

After some observations from lord viscount Sidmouth, his lordship's motion was put and carried.

June 12. Sir C. Bunbury moved the second reading of the bill to prevent cruelty to animals, dwelling upon several of the different species of cruelty practised to horses, dogs, &c.

Mr. Windham was sorry to feel himself obliged to oppose the bill. He was satisfied, not only that no good would result from it, but that it would be found to be partial and unequal, and unbecoming the dignity of that house. It applied to one class, while others of infinitely greater importance were left untouched. The honourable baronet had shown how contemptible the measure was, when he talked of the ears and

tails of horses, as if the conduct of the grooms, to whom they were to be intrusted, was to come under the cognizance of the house. This bill referred to one of the moral duties; its objects were of imperfect obligation. He should say nothing further against the bill at present, but should reserve himself till the following day.

The bill was then read a second time, and committed for the next day. But on the motion that the speaker should leave the chair, for the purpose of the house going into a committee on the bill,

Mr. Windham said, he did not consider the subject of this bill as one of sufficient importance to call for an act of the legislature. The subject, however, though trifling, might call forward much discussion; and he felt himself impelled to state his sentiments on it. The bill, however, did not seem to think so, and began in the most pompous language, and with a most magnificent "Whereas, that for divers weighty and provident purposes God had placed various animals under the protection of man," &c. &c. &c. Now the object of the bill was to promote morality. What was the moral virtue? Why, a desire to promote the happiness, and to sympathize in the pain of others. It was not his wish to confine this feeling to man; but still, if a man was to feel as much for the pains of others as for his own, why then, by the consequent accumulation of evil, the ends of Providence would be defeated. At most, however, kindness to animals was only a moral obligation; and how was it possible to enforce moral obligations by law? Thus, for instance, who could devise a mode of enforcing charity, gratitude, &c.? If a rich man,

with wealth at his command, was to let a poor one die in the street next door to him, why, certainly, every man would call him odious and uncharitable; but then the law would not take cognizance of him. The noble mover of this bill, however, seemed to think most seriously of it, and in fact called its introduction a commencement of a new æra of legislation. Perhaps he was ambitious of the name of a legislator; of being ranked with Philip, Lycurgus, &c.; but the reason of its novelty would be the very cause of his utmost caution in its admission. The great danger was, however, that this bill could not be applied, because it appealed to humanity. The standard of humanity was very variable: its impulse was different in different men; and a man might be called for a breach of this act, before a judge, who would perhaps think very differently from others as to the offence. Thus this bill would give rise to an extensive source of most arbitrary vexation. (*Hear, hear!*) It had been stated, in a pamphlet, that this bill would give no premium to informers; but he was afraid, many men would be tempted to give information of the breach of it, in order that they might display their own humanity, and their great talents in the art of tormenting others. (*A laugh*). The preliminary difficulty, therefore, which he felt upon the subject, was, that, coming under so plausible a title, it would have the effect of preventing persons from coming forward to oppose it, as he did, lest they should expose themselves to the imputation of being destitute of humanity. He had no doubt that many persons had declined interfering with its progress hitherto from considerations of this descrip-

tion. There was something, too, in the mode of putting the bill, which excited in his mind a prejudice against it, as if the supporters of it were exclusive friends to humanity, and those who differed from them were to be looked upon as disposed to countenance the mischief it was designed to prevent. He would maintain, that this was not a case in which they ought to call in the aid of law. Those acts of violence which this bill was intended to remedy were not of such an amount, as far as his observations went, as to call for the aid of the legislature, or to justify parliament in incurring the mischiefs that would unavoidably result from this measure. A great part of this violence that was to be repressed was charged as being committed by coachmen in the streets upon the horses entrusted to their management. Did it require any law to correct such an evil? What had their masters to do but to discharge the offending coachman, and then the evil would soon be remedied? If, however, on the contrary, so far from expressing any disapprobation of such conduct, their masters were found to countenance them in it, was it to be expected that the provisions of an act of parliament would put an end to the practice? It was rather extraordinary that so much sensibility should be felt in the case of others, and that the cruelty should be altogether overlooked when their own servants were the offenders. In such a case, Why do you not discharge your coachman for his cruelty to your horses? The answer would be "Aye, it is very shocking, no doubt; but then John is so clever in a crowd; and My lady such-a-one, and the misses so-and-so, were kept perishing whilst

whilst they waited for their horses : ours were ready when called for, and we got away among the first." (*A laugh.*) This was the language that one might hear every day; and under such circumstances it would be the height of injustice to make a parade of humanity in the prosecution of others, whilst they overlooked no less glaring instances in their own cases. Besides, the actual amount of the evil was not of such extent as to require any new legislation. In the cry for a bill upon this subject, people were calling for that which they had it in their own power to effect by the correction of the evil. It was a fundamental principle of all law, that you should not do that by legislation which was alone the province of manners to accomplish. Duties, such as those proposed to be enforced by this bill, were the proper province of morals. Let them be inculcated from the pulpit. Let them be recommended through the press; let them be encouraged through the influence and example of general morals. All this was already done, and nothing more seemed to him to be necessary. But when they were called upon to adopt novel modes of legislation, it was the duty of those who made the call to show what new acts of cruelty had been committed, to warrant such modes of legislation. When they were now called upon to do what mankind had ever done before, it excited in his mind a strong presumption against the bill. But there was another, and perhaps a still greater, objection to the measure, in the extreme inequality with which it would operate. The bill was to be confined to the drivers of horses and other animals, or those concerned in the management of such animals. There were many

cases for which they were called upon to legislate, where the effects of their measures would not reach the members of that house. Indeed, though all men were subject to the law, most of the acts they passed were of such a description, that it would be impossible for members of that house to be exposed to the penalties of them, because it was not likely that they would be guilty of the offences which these acts were intended to correct. But if they were once to act upon the principle of making laws against the lower classes, which they would not apply to themselves, what would be the situation of that house? Had they not a code of game laws, which, at the price of much inconvenience, formed a great proportion of their statutes, and preserved for the higher classes the exclusive right of killing certain animals? He was aware it might be said, that these animals were *feræ nature*, and not within the purview; but he must contend, that as living creatures they came within its principle. (*Hear, hear!*) It might be contended too, that men had not only a right, but a necessity, to kill such animals, as otherwise they might overrun the earth. Admitted; but there was another description of living creatures—fishes, which were also killed by the higher classes, and were in no danger of overrunning the earth. (*A laugh.*) But it was argued, that, unless these animals were killed in the manner to which he alluded, they would die or be killed by a worse death. The argument for killing them because they would otherwise die, would go a little too far, because it would be an equally good argument for our killing ourselves. (*A laugh.*) And as to the other part of the argument, they were now hunted to death,

death, and he could not easily suppose any worse species of death to which they could be exposed. To pass such a bill as that under consideration, would be a mockery of legislation; would be to give way to a sanctimonious spirit of hypocrisy in the teeth of every sound principle of policy and prudence. It would, indeed, be extraordinary, if in the nineteenth century they were to adopt a principle of law which no human legislature had ever acted upon. There were various other instances to which he might then advert, but with which he did not mean at that time to take up the time of the house. The bill he thought absolutely unnecessary, because there was nothing which it proposed to remedy which might not be corrected by public manners, and kept down by the influence of public manners, as at all times heretofore. The next ground on which he was an enemy to the bill was, because it would be disgraceful to that house to make such an invidious distinction between the rich and the poor, as was made in this measure. But, above all, he was an enemy to it, because of the power it would give individuals of inflicting vexatious oppression upon those, against whom they might feel resentment or pique, either by indictment under this act at the assizes, or by summary process before a magistrate. Upon the whole, he thought the bill would be a disgrace to that house, and an act of monstrous injustice to the lower classes, and upon that ground should propose to negative the motion for the speaker leaving the chair, with a view afterwards to move that the bill be committed to this day three months.

Mr. Stephen, Mr. Wilberforce, and Mr. Jekyll, favoured the bill.

The chancellor of the exchequer was ready to give full credit to the intentions of the noble mover of this bill, but thought that it was a subject which required great consideration. If such cases as those stated by his honourable and learned friends were intended to be included under the general words of wantonly and maliciously abusing those animals, he could not readily bring his mind to assent to the bill; for who was to judge exactly of the quantity of food which ought to be given, or of the quantity of punishment or of spurring which was necessary to oblige a horse to make the exertion that was necessary? Who was to judge of the exertion that was necessary? Suppose the man who had been met by the honourable baronet was riding to get a physician for a sick wife, was to be made liable to be stopped in his journey, and taken before a magistrate, if any person passing thought he beat or spurred his horse too severely? He thought that it would be much safer not to adopt a measure of this nature, at the very close of the session; and that, if the noble lord who had been so long considering the subject had not made his bill complete, they might well despair of their powers of mending it with so little time for consideration.

Sir Samuel Romilly could not allow that there was any thing in this bill so vague and indefinite as had been stated by the right honourable gentleman. The words of the bill were "wantonly and maliciously abusing." These were not words of vague and indefinite signification, but such as magistrates and juries on other occasions conceived sufficient for their direction. As to the quantity of punishment

ment or severity, the crime was entirely in the degree of it. Thus, where a man has dominion over his fellow creatures, such as a master over his apprentice, or a father over his child, they can never be accountable for that ordinary severity, which may be necessary, or be conceived to be necessary, with respect to those whom it is their duty to govern. There was no one, however, would say that there were not degrees of cruelty in the exercise of this power which our laws very properly punished, and which juries and magistrates do not find it difficult to determine. But in this bill the words "wantonly and maliciously" being introduced, it would be still harder for the juries to mistake the proper line. He did not see how there could be any doubt; and he thought it would be a strange thing, indeed, if the legislature were to forbear from making laws, merely on the statement that magistrates and juries would not understand them, and would determine in a manner that the law never intended. This was also supposing magistrates and juries to be absolutely void of common sense, and incapable of finding out what should be conceived wanton cruelty to an animal, although they are allowed to be perfectly capable of judging of what is unreasonable cruelty to a child, or an apprentice. He really believed this bill might be considered in a great degree as a bill for the prevention of cruel murders.

For going into the committee 40.—Against it, 27. It was afterwards thrown out.

June 15th. Sir F. Burdett said, he rose for the purpose of submitting to the house, not a plan for changing the constitution of

parliament, but to lay before them some ideas on the subject of the existing state of the representation. His chief reason for obtruding himself on the house, at this late period of the session, was to put an end to the misrepresentations, and prevent those ambiguities and misconceptions, of which he had so much reason to complain. He wished to show how far he was inclined to go, and how far he would not go on the subject. The principal object, however, of the motion, with which he meant to conclude, was, that parliament should, at an early period of the next session, take into its consideration the state of the representation. This subject was not taken up by him upon light grounds. It had long been the object of all the reflection and consideration that he was able to bring to it. He was anxious also to show that he did not entertain those views that were attributed to him, and that, in bringing forward a question touching upon any change in the present constitution of that house, he was not actuated by motives tending to excite dissatisfaction. In introducing the subject to the notice of the house, he would abstain, as far as it was possible, from any exaggerated representation of the state of the grievance he was anxious to remedy. It was not his object to introduce into the house a subject of angry contention, but of amicable discussion. In order to do this, it would be necessary for him to state whence he conceived the mischief to arise—what was its nature and extent: next, to explain the nature of the remedy he meant to propose, to show that it was simple and practicable, and above all, that it was not inimical to the spirit and practice

practice of the constitution, or rather that it was the constitution. By the constitution, he did not mean that mysterious thing which eluded the grasp and comprehension of common observers. That he left to those men of sublimated genius, who soared above the clouds to reach it; but the constitution he meant, was that which was to be found in the Statute book, and in the common law of the land. If it could be shown that what he had to propose was not agreeable to the laws, he should feel obliged to any honourable member who would be at the trouble of correcting him, and consent to abandon it. But if, on the contrary, he could show that what he proposed was agreeable to these laws, was consonant to the principles recorded in our statutes, and in unison with the usages which prevailed at the best times of our constitution, then he should have done enough to justify himself, and to render it necessary for parliament to apply itself to the subject. There was a most extraordinary doctrine lately advanced in that house, on which he thought it necessary to say a few words. It was asserted, that corruption was not only inevitable, but that it was absolutely necessary in such a constitution as ours, and that it was not so much an evil as a good. Now, of all the bold and paradoxical assertions he had ever heard, this was one of the greatest. Upon these gentlemen's principles, the corruption was not tolerated for the sake of the constitution; but the constitution for the sake of the corruption. But the persons who advanced this most monstrous and pernicious principle could only have looked at the constitution as it appears in

the modern practice, where every thing is confounded. Instead of being, as it should be, a system composed of king, lords, and commons, they had an assembly there which did not represent the people, and usurped the prerogatives of the crown. It had also been advanced in support of corruption, that it was an inconvenience or disadvantage consequent upon our prosperity; that it grew with our growth, and strengthened with our strength. He wished that the reverse of this maxim could be applied to it, and that it could be said of it, it decayed with our decay. When he mentioned decay, he deprecated its being supposed that he was inclined to despair of the energies or resources of this country. No: he was persuaded that it was only necessary to restore the constitution to its primitive purity to enable the country to bear up against, and finally triumph over, all the difficulties and dangers by which it was threatened. He had no fear of the prerogative; it was part of the law of the land. It was against its abuse, under a house of commons constituted as the present was, that he was anxious to guard. His object was to restore the balance of the constitution; to allow its due weight and rights to the prerogative, and to reconquer and restore their rights to the people. The prerogative was given to protect the rights of the people, and it was to its abuse only that the present state of the representation was owing. Now, one word more on the subject of the forms of the constitution: that any thing could be received from them toward meliorating the present state of the representation, or restoring it to its old and true principles, he had not

not the least hope. Of all the tyrannies by which the powers and faculties of man were bowed down and oppressed, that which was carried on under the forms of legislation was the greatest. This was the frightful state of Rome, as described by the great Roman historian, Tacitus, in his account of the reign of Tiberius. The most horrid depotism that the mind of man could conceive was carried on under legislative forms. There were senates, both for deliberating and discussing, and the people retained their tribunes, and all the emblems of their ancient freedom and weight in the state. Many persons were naturally fearful of what was called innovation. It was an observation of the celebrated lord Bacon, that of all the innovators he had heard of, time was the greatest; so that while time was changing every thing around them, they remained still. The rotten boroughs were an innovation produced by time. These local sovereignties were so many encroachments on the prerogative; and it was owing to these that they had such a house of commons now, as the country never saw from the first William to this time. It was owing to this that writs were sent to such places as St. Mawes and Gatton, from whence the voice of the people never could be heard. Such a departure from the genuine principles of the constitution was not to be endured; or at least it was not to be endured with satisfaction much longer. In restoring to the people their rights, he did not mean to put a sword into their hands to destroy others, but a shield to protect themselves. When James came into England, one of his first orders was, that writs should not be sent

to rotten boroughs. Similar orders were afterwards issued by succeeding sovereigns. This was a proof that the sense of the people could not be collected from such places. This system was the sole cause of the present state of the representation. This system encroached upon the prerogative, at the same time that it trampled on the rights of the people. A third power was thus created in the constitution equally hostile to the king and to the subject—a power which played them off alternately against each other; at one time holding up the sovereign as a tyrant; at another, branding the people as seditious and rebellious. It was by these acts, by this detestable management, that this borough-mongering faction reigned the arbiters of society. To break the corrupt, mischievous, and unconstitutional power of this party was no less his object, than to unite the king and his people in one bond; in a bond where allegiance and protection combined, and mutually upheld and strengthened each other. The great lord Coke had well described the inconveniences of any great departure from the constitution. It would seem as if he had this borough-monger system (for, odious as the name was, he could not describe it by any other) in contemplation. The pernicious power of this class was as strong a proof as could be required, of the great advantages that would arise from recurring to the true principles of the constitution; the very first of which was, that the people of this country were entitled to a property in their own goods. It was offered to be proved at the bar of that house, that there were 157 persons who could return a majority of its members.

bers. If that were so, these 157 persons were in fact the sovereign. They can impose taxes; they can burthen the country with imposts; they can trample on the rights both of the nominal sovereign and the people. But this faction, third power, or usurpation, or whatever else any one pleased to call it, was no part of the constitution of the country. This principle of local legislators was totally hostile to the laws of England.

The honourable baronet went very much at large on all the topics connected with his argument, and said, he would now, with permission of the house, read the plan he intended at a more convenient opportunity to propose. The first article of it was, that freeholders, householders, and others, subject to direct taxation to the state, the church, or the poor, should be entitled to vote. The second would prescribe a convenient division of the places entitled to send members to parliament, and that each subdivision should return a member. By the third, he would have the elections taken in the several parishes, and parliament reduced to a constitutional duration. By this plan, they would get rid of all the inconveniences, vices, and confusion attending elections; they would also get rid of the 112 statutes which were enacted at different times, for correcting and preventing these abuses. This plan neither excluded the revenue officer nor exciseman. It got rid of all disqualifications, and it also got rid of that greatest of all nuisances, the attorney, who, wanting a job, erected himself into a mock-patriot, and under the shield of that, scattered the seeds of confusion, ill blood, and permanent hate around him. His plan would get rid of rioting

(*A loud cry of Hear, hear!*) By their cheering, gentlemen seemed to think that it would not: but let them only give it a short trial, and they would soon be convinced of the contrary. In what he had to propose, he had no view to embarrass ministers. It appeared to him that most if not all of the inconveniences he had enumerated, would be avoided by the elections going on on the same day throughout the country. One advantage in taking the votes in the way he intended, was, that there would be no room for perjury, no room for substituting a fictitious for a real elector. Every one would be known. It would also put an end to bribery, for it would not be worth any man's while to bribe. He would have no object to do so. It would moreover put an end to all the dissoluteness, and those disgraceful and disgusting scenes which revolted the feelings of those who would otherwise be advocates for the exertion of popular right in its fullest and freest extent. It would put an end to all that complicated system of voting, which, under the present state of representation, afforded such opportunities for litigation of the most harassing and oppressive kind. The tax-book would decide who was entitled to vote. Except the lawyers, the attorneys, and the king's printer, he knew of no description of men, with the exception of the borough-mongers, that this plan was not calculated to satisfy. The public would have a choice and no contest, instead of having a contest and no choice. If this plan should pass in the form he meant to submit to the house, or be adopted to any considerable extent, he was persuaded the people would willingly submit to the many inconveniences under

under which they laboured. A great deal had been said in that house, on different occasions, on the subject of the Grenville act. Was not that act, in its origin, a reform? Aye, and a greater reform than that he meant to propose. It was a reform extorted from that house, and rendered imperiously necessary by the flagrant and disgraceful partiality with which it executed its functions, in deciding upon the rights of election and the merits of petitions. He was not one of the enthusiastic admirers of that act. He could speak of it from experience; "*Non ignara mali.*" He suffered from it, according to the common expression, like a toad under a harrow. He could not describe the torments which he endured from that act, when he first tried it; no wonder, therefore, that he was not disposed to try it a second time. Like some sickly gentlemen, he did not like to go through the same course of medicine a second time. If that was a constitutional luxury, as it was described by its panegyrists, he was not rich enough to enjoy it a second time. It appeared to him, therefore, that in getting rid of all these evils, the present state of representation, the whole system of election laws, the fanciful right of voting the expenses of petitions, and the luxury, or, as he should rather call it, the torture, of the Grenville act, he would say, that if he could get rid of all these by a simple and practicable mode, his plan was eligible on that account alone. There was, however, a much greater advantage sure to arise from it. They would have the sense of the nation within the walls of that house, with a moral assurance that no public clamour running counter to it would at any time exist.

In what he had to propose, there was no innovation. He neither intended nor would attempt any. Considering what had passed in the course of the session, it was the duty of the house not to separate without holding out a rational expectation to the people that it would, at an early period, take the state of representation into consideration. The omission to do what was necessary was in effect an act of commission in advance to danger. He should not trespass any longer upon the indulgence of the house, but submit to its decision the following motion:—

"Resolved, that this house will, at an early period of the next session, take into its consideration the state of the representation."

Mr. Madocks seconded the motion.

Mr. Perceval thought it incumbent upon him to trouble the house with a few observations, after what had fallen from the honourable baronet, and they would be but a few. The object of the honourable baronet appeared to be, that the house should give a pledge that it should, early in the next session, go into a committee on the state of the representation. He saw no reason whatever for entering upon the question of reform at all, and therefore could not agree to vote for any such pledge. In many of the propositions stated by the honourable baronet, he was unable to follow him. Among other things, he assumed it as a fact, that the people were in general desirous of a reform. This he absolutely denied, and affirmed that, on the contrary, they were more united against reform than almost upon any other question, because they thought reform unnecessary. Such a plan could never produce the expected effects,

effects, unless the honourable baronet could alter not only the constitution but the frame of the human mind, unless he could at once get rid of human prejudices and human passions. This much he thought it necessary to say; and he did not think that there was any occasion for his going further. As to the honourable baronet's proposition, that the house had admitted that some reform was necessary, he never understood that any such admission had been made. He did not believe that the house would allow that it had ever made any such admission; and the manner in which the honourable baronet's proposition had been received, convinced him that he was correct in his opinion. It would be really raising the plan of the honourable baronet into an importance which it did not deserve, to dwell upon it at any great length. The house, he observed, was ready to come to a decision; and all that he could say, in addition to the remarks he had already made, would only serve to create embarrassment and delay, in a matter which was already sufficiently clear.

Mr. Madocks observed, that the real question was, whether the country was to be amused with the pretence of a representation, or whether it was at length to have a real and efficient one. The main point of the plan was the vesting of franchises in the resident householders. A better regulation than this could not well be conceived. It had been treated in a distinguished work lately published, which those who desired to gain information on this subject could not peruse with too much attention, as it contained the most solid and satisfactory reasons for the adoption of such a regulation. It had been

the invariable practice in every reign, from the time of Edward the First to that of Charles the Second, to alter the state of the representation with respect to boroughs. These alterations proceeded upon the variations which took place among the towns, some rising into opulence, others sinking into insignificance; and in all the plans of reform that had been proposed to the house, whether by Mr. Pitt, Mr. Grey, or others, it was always a leading feature to do away the rotten boroughs, and to vest the right of voting in the resident householder. What right had Old Sarum, and Midhurst, and Gatton, to send representatives to parliament upon that principle? The notion of universal suffrage he held to be absurd. But surely it was even more absurd, and contrary to the principles of the constitution, to give the right of sending members to parliament to an old wall, or to twenty-five stones in a field (*Hear, hear!*) The bill which had lately passed in that house (Mr. Curwen's) had only made matters worse, by throwing a monopoly of the market for seats into the hands of the treasury. These partial remedies could be of no use where the system was fundamentally wrong. The resolution of 1779 had often been appealed to in vain; and where then was the use of new enactments, the intended effect of which the system necessarily prevented? There was another point to which he was desirous of calling the attention of the house, as he had been misrepresented respecting it, or, at least, as inferences had been drawn from it which were not warranted by the facts. He alluded to the representation which he had made respecting the bargain with the treasury for the borough of

of Cashel. That part of the charge which stated, that lord Castlereagh suggested to Mr. Dick the propriety of resigning his seat if he could not vote in favour of the duke of York, had been denied. But it ought to be observed, that the denial was confined to this—and the inference was, that the rest of the charge, which was by far the most important, was positively true. (*Hear, hear!*) He was ready to prove that 5000*l.* had been paid to the treasury for the seat, and that Mr. Dick had been induced to vacate upon a difference arising between him and the ministry, as to his vote on the question respecting the conduct of the duke of York. This was the important part of the charge which no one had attempted to deny. Under all these circumstances, there was the strongest ground for giving a pledge to the nation that the house would take the subject into consideration.

Sir James Hall said, the constitution ought to be defended without a very narrow or minute examination, for many things which appeared ridiculous at first might be good in their ultimate effect. Since he became a member of that house, he had studied the motives of men a good deal, not only in their public speeches, but in their private conversation, and the result was, a conviction that he had got into better company than he at one time imagined. He affirmed, that its votes were almost always satisfactory to the nation. He adverted, as a proof, to the late vote respecting an improper military appointment, and affirmed that the conduct of the house on the business of the duke of York would have been equally satisfactory, had not undue means been taken to

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produce a contrary impression. He himself, however, was one of the minority of 125, though his name had not appeared in the published lists. He could not assent to the motion of the honourable baronet; but he highly complimented colonel Wardle, who had so well conducted himself in adversity. He hoped he would be enabled to bear prosperity with equal magnanimity, and not suffer his brain to be turned by the intoxicating influence of three times three. (*A laugh.*)

Mr. Hutchinson would not suffer the question to go to a division, without replying to some of the observations and objections which had been made to it. From what he had heard of the honourable baronet's speech, one more constitutional, more calculated to entitle him to the respectful attention of the house, and to the confidence of the public, or containing stronger professions of a wish to conciliate, he had never heard in parliament. It was directed to the judgement, not to the passions, and certainly did not, in the smallest degree, justify the tone of scoff and ridicule in which the chancellor of the exchequer had replied to it. Its object was to insure the attention of parliament to the great question of reform at an early period of the next sessions. Called upon as the honourable baronet had been, taunted as it were, and provoked to speak out—misconceived by some—misrepresented by others—he had on that night put the house in full possession of his thoughts; and although not likely on slight grounds to change his opinion, he had nevertheless declared, that being disposed to yield to reason and sound argument, he was anxious to learn the sentiments which others entertained. The

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subject

subject of reform was not a new one, nor now for the first time introduced ; some of the ablest statesmen had considered it worthy of parliamentary inquiry. But it had been objected that the honourable baronet was not a fit person to bring it forward. Would it be seriously contended that with the stake which he possessed in the country, with a property such as had fallen to the lot of few, greater than that of almost any other member of the house ; would it be urged that a man of his rank, of a highly cultivated mind, and of reflective habits, was not qualified to bring forward such a subject ? Was this objection taken in downright earnestness ? If it were, Mr. Hutchinson would be glad to be informed who was qualified for such a task ? The honourable baronet appeared to have considered the subject with great solicitude, and he had presented it as one, which, if acted upon as he suggested, he flattered himself would strengthen the sovereign in the affections of his subjects, promote the welfare and happiness of the people, compose jarring interests, and eventually uphold the state. Such at least were the results which the honourable baronet expected from the measure. Another most extraordinary objection had been made, that he sought to change the constitution of parliament, not by the assistance of the house of commons, but by the interference of the people. The gentleman who had urged this last objection seemed to have been strangely inattentive to the question before the house, and to the concluding motion of the honourable baronet, namely, “ that the house would, early in the next session, take into consideration

the state of the representation in parliament.” Yet the honourable baronet, who has thus directly appealed to the parliament, and to the parliament alone, is unaccountably accused of having made that appeal to the people. It should be remembered that the fate of other nations, which have fallen victims either to the treachery or ignorance of their political leaders, or have been overwhelmed by their blind, unbridled passions, adds not a little to the prevailing disinclination and distrust. The honest zeal of the reformer is set at nought ; the very excrescences are too sacred to be touched ; even the rust of time is to be respected, lest we should injure or deface. But in contemplating the fall of other states, we ought not to forget, that they refused to reform, while reformation was yet possible and safe ; neither should we confound with the leveller and revolutionist, those who are only desirous of doing away the abuses and imperfections arising from the operation of time, to which every government and all human institutions are more or less liable. The revolutionist would destroy, the reformer would preserve. It is only the ignorant and superstitious who fancy that that which was originally good, perhaps approaching to perfection, is not subject to corruption and decay.

He entertained not the least doubt that the foundation, and main pillars of the constitution were sound ; and while he admitted the theory of the composition of parliament to be admirable, it was impossible not to observe that the people were imperfectly represented, at the present period, in the house of commons. It was his duty to speak respectfully of the decisions,

decisions of the house, although he had differed from many of those of the present sessions; but he could not doubt, that, had the house been otherwise constituted, the result of their deliberations would have been far different. Had the voice and wishes of the people possessed more influence, the appeals of the members for Okehampton, Carlisle, &c. could not have been made in vain; nor in the few instances in which ministers were defeated, had there been a different representation, would there have been found a set of men, hardy enough to have defended the measures which were arraigned, and by the vote of the house condemned. When the member for Carlisle, prompted by the purest zeal for the public interest, introduced a bill for "securing the independence and purity of parliament," had the house been differently constituted, no minister would have ventured so to trifle with the feelings and interests of the people as to have converted that bill into one of a directly opposite tendency, a bill which he was one of those who thought ought rather to have been entitled "a bill for more effectually preventing the sale of seats in parliament for money, and for promoting a monopoly thereof to the treasury by the means of patronage." It originally had his support; but that support he was reluctantly obliged to withdraw, being of opinion that under the all-blighting hand of ministers it soon lost its primitive purity and value; for, by the enactments as they came out of the committee, it had become a bill calculated to increase the very evil it professed to remedy, and very alarmingly to add to the already too preponderating influence of the crown and

the house of commons. There surely must be something radically wrong at this moment, when members in their places have unblushingly declared, that seats in that house were procured by money. The avowal in other times of this practice would not have been tolerated! At the present day it has been made, not only without compunction, but with such effrontery as to have rendered this great and crying public scandal in itself sufficient to justify a unanimous call for reform. The right honourable gentleman (the speaker), by his impressive and constitutional speech, had exerted himself to assert the dignity and maintain the honour of the house. That speech should be entered on the journals, that at a future period, when these debates shall be alluded to, the exposition of the statute law, and of the law of parliament, under the high authority of the speaker of the house of commons, may appear on record as the fullest condemnation of this fraud on the constitution of parliament. On the whole, judging of the house by their late measures, by that which they have done, and by what they have failed in doing; looking to the formidably preponderating influence of the crown in the house of commons, and in the country, he had no hesitation in repeating his opinion, that a reform of the house of commons had become a measure of absolute necessity, and one which he was convinced could not too soon be effected.

Mr. Western and others supported the motion.

A division then took place; when the numbers on sir, Francis Burdett's motion were—

Ayes . . . 15

Noes . . . 74

Majority against the motion —59

June 19. Mr. Wardle.—“ Sir, had I not been so loudly called upon, on a recent occasion, to explain a statement I at that time made, I should not at this moment have thought it necessary to trouble the house; but being so called upon, sir, I think I have a peculiar claim to the indulgence of the house.

“ In the first place, sir, I beg to state what it was I did assert upon that occasion. I said, sir, ‘ That on the event of an efficient reform in parliament, such a reform as would insure to the people, in their representatives, active supporters of their rights, and faithful guardians of their purse, I did not hesitate to say, that I was of opinion that the amount of the income tax might be done away.’

“ Had no preceding declarations of a similar nature been made by others, I should not have been surprised at the insinuations that were thrown out, or at the clamour that was raised against me in consequence of such observation; but I confess I am not a little surprised at such insinuations and such clamours, when I have discovered that language similar in its tendency, though much stronger in itself, had been used by a statesman so peculiarly respected by the gentlemen opposite; I mean Mr. Pitt, who in 1782 said, ‘ If there always had been a house of commons who were the faithful stewards of the interests of the country, the diligent checks of the administration of the finances, the constitutional advisers of the executive branch of the legislature, the steady and unqualified friends of the people, I ask, if the burthens which the constituents of the house were now doomed to endure, would have been incurred?’ Surely, sir, this is far stronger language than

that which I used. Mr. Pitt tells you, that under such a house of commons the people would not have been taxed at all: the extent of my assertion was, that a given proportion only of their enormous burthens might be done away. On that, and indeed on several other occasions, I was accused, together with those gentlemen with whom I am most in the habit of acting, of systematically attacking the characters of public men. I solemnly deny the charge; and I do declare, that I do not recollect a single instance in which directly or indirectly I have aimed an insinuation against an individual. That I have attacked a system of corruption, that I have attacked the parties acting upon and defending that system of corruption, I am free to confess; but as to attacking an individual in any other shape than that of a direct and specific charge, I positively deny: if I had done so, it would have been contrary to every principle by which my public and private life has been regulated. But to that system of corruption, which from my soul I deprecate, I shall ever oppose myself; and in so doing I am again supported by the conduct of Mr. Pitt in 1782, who declared, that ‘ the defect of representation is the national disease; and unless you apply a remedy immediately to that disease, you must inevitably take the consequence with which it is pregnant. Without a parliamentary reform the nation will be plunged into new wars. Without a parliamentary reform you cannot be safe against bad ministers, nor can even good ministers be of use to you. No honest man can, according to the present system, continue minister.’ So much, sir, for the system of corruption. And after these quotations,

tations, I trust that the clamour which has been raised by the friends of this statesman will cease to exist.

“ I shall now proceed to state the reasons on which I founded the opinion I ventured to give, making only one preliminary remark. That such a house of commons as I described would ever keep in view two points: the one, whether the thing was necessary; the other (if found necessary), that it ought to be carried into effect in the cheapest possible manner consistent with efficiency.

“ The first thing that gave rise to the inquiry that established in my mind the opinion I delivered, was my observing in the finance report that there was a regular and great increase in the expenditure of each successive year. That in the year ending January 1808, was 71,989,000*l.* that of the year ending January 1809, 79,391,000*l.* being an increase of 7,400,000*l.* in one year of the public expenditure: this circumstance did much astonish me, and I have now closely gone into the subject. The result of my investigation I beg to communicate, and I shall begin with the army.” Here the honourable gentleman took a review of every department of our military establishment, and showed in what way very considerable savings might be made; and he concluded with saying, “ I shall now, sir, conclude the consideration of the military department, with a statement of what the general expenditure has been for the last four years.

“ In the year ending 5th January, 1806 . . .	17,314,023 <i>l.</i>
1807 . . .	15,275,859 <i>l.</i>
1808 . . .	15,596,539 <i>l.</i>
1809 . . .	17,490,111 <i>l.</i>

“ In justice to those gentlemen

who never were in the habit of sparing me, but to whom I do not feel the less disposed to do justice, I must observe, that during the two years that they were in office, the military expenditure of the country was two millions less than what it had been under the management of their predecessors, or than what it has been under the management of his majesty's present ministers.

“ Having done, sir, with the military part of the subject, I shall now proceed to the civil. It appears to me, that a very material saving may be made in the expense that now attends the collection of the revenue. And first, with regard to the post-office: by reports that have been on the table, it was proved that within the four last years immediately following the event of Mr. Palmer quitting the post-office, there was an increased expense in that establishment of above 180,000*l.* Under Mr. Palmer's management, the expenditure did not exceed 200,000*l.* a year, it was now 400,000*l.* Why this increase had occurred, or rather why it had been suffered to occur, I know not, but I feel perfectly convinced, that no satisfactory reason can be given for it.”

The honourable gentleman next took a comparative view of the expenses attendant on the collection of the revenues in England and Scotland, and explained in what way immense savings might and ought to be made.

“ An honourable gentleman (Mr. Martin) having so very ably, and so very recently, gone at a great length into the subject of pensions, sinecure places, &c., I shall only have to make one or two remarks on this head. Under the terms objectional or questionable, he shows

an amount of 822,296*l*. Now, surely, sir, my claiming credit for a saving of 200,000*l*. a year out of this sum cannot be deemed unreasonable. In my mind a much greater saving ought to be made here. But I wish to make one observation with regard to the doctrine, that pensions and sinecure places are to be held as sacred as freeholds, let them have been obtained how they may, or let the amount of the income arising from them have increased to ever so enormous an extent, by change of circumstances in the state. This doctrine, sir, ought not to be tolerated. It cannot be substantiated; and that it is perfectly novel I am prepared to show. In the year 1744, it appears that the tellership of the exchequer (amongst other offices) was revised, and the salary reduced, in consideration of the great increase in the amount of the army services and the fees thereupon. The reduction made was one third part of the amount of the salary! but now we are told, sir, now when the army expenditure exceeds all bounds, when it exceeds 17,000,000*l*. a year, that these places are all freeholds! Why freeholds, in the year 1809, when they were not so in 1744? Is it the greater purity of the present times, when compared with the year 1744, that has given colour to such doctrine as this? doctrine, sir, that never would be held in such a house of commons as I have described.

“ Under the head of bounties I find an expenditure amounting to 527,070*l*. a year. Now, upon this subject I shall not give any opinion of my own; but knowing that these bounties are deemed quite inconsistent with the established principles of political œconomy, both by Adam Smith and other authors

who have written most ably upon these subjects, I do certainly think it well worthy the consideration of parliament how far the public money should be so expended; and fully aware of several items in this account that appear to me most extraordinary, such as bounties to the fishermen of London and Westminster, who, I am persuaded, have sufficient bounties from the high price of fish; and bounties upon linen in Ireland, with other detail not necessary for me now to enter upon, I have little doubt, that I should be able to show, independently of the general question whether or not any bounties ought to be given, that a saving of 150,000*l*. a year might be properly made.

“ And next, sir, I have to say a word or two as to some expenditure that I should hold to be, at this period, highly improper. I see, by the accounts on the table, that nearly 200,000*l*. has already been expended in the building of a new mint, which I understand is still likely to cost a considerable sum more. Now, sir, the impropriety of building any mint at all cannot be more strongly marked, than from the circumstance of its being within our power to issue coin by contract, not only without expense, but at a profit to the country. This was the case in the late contract with Messrs. Boltons, on the issue of 1200 tons of copper coin. And when the fact has thus been proved, I would ask, why is the system to be given up? Why, sir, the reason is obvious. In order to create extensive patronage, it is necessary that we should have a new mint; and if we save the money of the people by the system of contract, we shall have no excuse whatever for our new mint. But when it is completed, three great

great objects will certainly be attained—extensive patronage—a great establishment—and no coin. But ministers, perhaps, are prepared to take off the bank restrictions, and once more to allow us the sight of gold! But upon a general principle, I maintain that government should not have any establishment for carrying on mechanical trade. We are going to other and great expenses in unnecessary buildings, such as the house of Downing-street for the president of the board of control, which has cost about 9,000*l.*; and amongst various other improper waste of the public treasure, I observe 3,500*l.* expended in repairs of an office in the Adelphi. I have thought it my duty to show that such things were; but do not mean to take credit in my proposed savings for any of the sums so expended."

He next adverted to the colonies, and to other subjects; and concluded with saying, "I am sorry, sir, to have detained the house so long; but what I owed to my country and my own character rendered it necessary. I feel much obliged by the patience with which I have been heard, upon which I shall only trespass a few minutes longer.

"I think, sir, that the national accounts ought to be reduced into such form and order as would enable every member of the house to see whether or not the money of his constituents was properly and economically expended; and this, sir, is an object I have much at heart, for I do feel most fully persuaded, that an enormous sum is annually lost to the country, in consequence of the utter confusion in which the accounts have remained for many years, a confusion that never prevailed more than at this

moment. Admit, sir, that only 20,000,000*l.* annually remains unaccounted for, and I am sure I am much within compass, when I say that at a very moderate computation we must lose, in consequence of this confusion and non-settlement of the accounts, at least one-twentieth part; does any gentleman who hears me doubt that the public lose at least a million a year for the want of such a settlement? If any does doubt the fact, let me refer him to his own private concerns, and let me ask whether he believes any individual who neglects year after year to look into the accounts of the expenditure of his property, and to strike a balance with his different agents, escapes with the loss of only a twentieth part? I am sure he would be infinitely a greater loser under such a system, and I am also sure that we do not escape with a loss of a million under that system so decidedly ruinous either to the individual or public body. Upon this subject I shall beg to read the statement and remarks of the late chancellor of the exchequer (lord Henry Petty). In the year 1806, the noble lord stated to the house, that the enormous sum of four hundred and fifty-five millions of public money was unaccounted for. He then goes on to observe, 'that it was unnecessary for him to urge how much the public necessities called for the most serious attention and investigation; that he need not state what were the evils which led to these inquiries, or what were the dangers of leaving accounts open for twenty years, when the death of the parties may prevent the recovery of the public money, or grossest frauds destroy the revenue of the country, great as it is, and divert it to purposes of individual profit.'

RECAPITULATION OF SAVING ON

	£.	s.	d.
Household troops, two regiments - - -	73,317	0	0
Dragoon guards, dragoons, and light ditto - -	340,000	0	0
Foreign corps - - - - -	1,005,017	0	0
Subsidy annually paid count Meuron for continuing his regiment in his majesty's service - -	3,000	0	0
Militia of the united kingdom - - - - -	300,000	0	0
Staff of fifteen small militia corps reduced - -	10,000	0	0
Local militia - - - - -	700,000	0	0
Volunteers of the united kingdom - - - - -	1,000,000	0	0
Royal waggon train - - - - -	48,993	0	0
Manx fencibles - - - - -	24,184	0	0
Staff of the army - - - - -	200,000	0	0
Recruiting staff, levies and bounties - - -	200,000	0	0
Army agency - - - - -	51,075	0	0
War office - - - - -	24,000	0	0
Pay office - - - - -	24,000	0	0
Contract horses - - - - -	289,083	0	0
Fortifications and repairs at home - - - -	500,000	0	0
Medical department and annual loss of men -	200,000	0	0
Commissariat - - - - -	500,000	0	0
Barracks - - - - -	350,000	0	0
Army clothing - - - - -	270,000	0	0
On the collection of the revenue in Great Britain -	1,051,930	0	0
On ditto ditto in Ireland - - - - -	388,867	0	0
Commissioners and auditors of public accounts -	70,000	0	0
Bank, the sum charged for the management of the national debt - - - - -	210,594	0	0
Pensions and offices executed by deputy - -	200,000	0	0
Bounties - - - - -	150,00	0	0
Colonies - - - - -	500,000	0	0
Catholic emancipation - - - - -	2,000,000	0	0
	<hr/>		
	10,693,563	0	0
Expenditure of the navy for the year ending Jan. 5, 1809, 17,467,892 <i>l.</i> one third of which is -	5,822,630	13	4
	<hr/>		
Total savings -	16,516,193	13	4

On the question being put,
 Mr. Huskisson rose: Mr. Speaker
 —With whatever feelings of surprise and regret I may have witnessed the conduct of the hon. gentleman, on the occasion of his first broaching, in another place, the subject which he has now at last brought under the consideration of the house, those feelings

have by no means been weakened, either by the explanation which the honourable gentleman has just given of the motives by which he has been actuated, or by the statement which he has submitted to the house in support of his proposition. If, in the first instance, I observed, with astonishment, a member of this house, one of the guardians

guardians of the public purse, and one too who professes to watch over the public expenditure with more than an ordinary degree of jealousy and anxiety, seeking an opportunity, not during the recess of parliament, but in the middle of a session, not in this house, but at a public meeting, stating, that he could point out a plan by which eleven millions a year might be saved to the country, that astonishment was, if possible, increased, when I saw the honourable gentleman attending, day after day, in his place here, without giving the house any intimation of the means by which this most desirable object might be effected. The honourable gentleman could not be ignorant, that, on the one hand, such a declaration was calculated to make a strong impression out of doors; that from the character of the meeting at which it was made, it would be disseminated through the public with a mischievous activity; and on the other, that it was only in this house that the plan could be discussed with a view to any beneficial result, or that any practical measure could be taken for attaining its professed object: and yet, sir, the honourable gentleman has just informed us, that it was not his intention to have brought forward any part of this notable scheme in the present session. In a tone almost of anger and complaint, he tells you, that he has been goaded and challenged by the frequent calls made upon him here; that yielding to such importunity, and not to any sense of his public duty, he, on this last day of the session, condescends to point out the means of relieving the public from the pressure of the property tax. What, sir, is the light in which the honour-

able gentleman places his own conduct by his statement of this evening? Some two months ago he had ascertained, to the entire satisfaction, I presume, of his own mind, that a tax producing upwards of eleven millions a year could be taken off without any detriment to the public service; he had, at that time, so completely matured the measures of reform by which this saving could be effected, as publicly to record his opinion: and to-night he tells you that it never was his intention, in this session, to follow up that opinion by any proposition in this house! In the view of the honourable gentleman, then, the saving of eleven millions is a matter of such little moment, that the means of enacting it being delivered by him in the middle of one session, it consists with his sense of public duty to postpone the application of those means till the next. But it also consists with this same sense of duty, in the mind of the honourable gentleman, to send forth the assertion to the public, under such circumstances, and coupled with such sentiments, as appeared to the meeting, where it was first uttered, best calculated to create an impression, that the blame of the continuance of this tax is solely to be ascribed to the corruption of this house. The blame, if blame there be, of not having investigated the honourable gentleman's plan of œconomy in this session must fall entirely upon himself. The mischief, likewise, if mischief ensue, from his indiscreet assertions, must be laid entirely at his door. The delusion and the disappointment are equally of his own creating. That the honourable gentleman's plan will end in the disappointment of those who

who gave credit to his assertions, must, I think, be obvious to every member of this house, who has listened to the details brought forward by the honourable gentleman. I shall not attempt to follow him through all these details. If, indeed, they had been supported by any thing like reasoning or proof, I might have found it necessary to trespass upon the indulgence of the house, with such statements as the arguments of the honourable gentleman might have appeared to me to require: but when the honourable gentleman brings forward nothing but a string of bare assertions, it would be a waste of time to meet them in detail by other assertions of an opposite nature. Indeed, sir, from the manner in which the hon. gentleman treats this subject, I am at a loss to understand why he should confine his savings to eleven millions. With the same facility, and by the same process, he might produce a saving of twenty; and certainly there are other reformers, out of doors, with a degree of self-confidence equal to that of the honourable gentleman, who do not scruple to tell the public that twenty millions might be saved without any detriment to the public service. Their assertions, I make no doubt, are made with the same sincerity, proclaimed with the same patriotic views, and calculated to produce the same beneficial purposes as those of the honourable gentleman. He, however, is only bound by the minor pledge, but having been the first to start, his anxiety to redeem that pledge may, perhaps, have been quickened, this evening, by the bolder strides of those who have since followed him in this mighty career.

The first idea of this saving ap-

pears to have suggested itself to the honourable gentleman's mind in consequence of a discovery he made in the annual accounts, that the total expenditure of Great Britain, in the year ending the 5th of January 1808, was seventy-one millions, and that in the year ending the 5th of January 1809 it was seventy-nine millions. The honourable gentleman finds an increase of charge to the amount of eight millions, and the necessary and natural inference is, that a saving of eleven millions may be made. Having come to this irresistible conclusion, the honourable gentleman hastens to publish his discovery at the Crown and Anchor, and has since laboured to make up an account, showing the means by which this saving may be effected. Before I proceed to say a few words on those means, I will endeavour to state very shortly to the house the principal causes of the increased expense in the year 1809, compared with the preceding year. This part of the case might have embarrassed the honourable gentleman's calculation, and he therefore very discreetly appears to have excluded it altogether from his account. In the first place there is the augmentation to the charge of the public debt, occasioned by the loan of the year, amounting to about 800,000*l*. In the navy an increased expense of 1,500,000*l*. owing principally to the increased price of naval stores. In the army, an increase to the same amount, owing to the augmentation of our regular force, and to our having had a great proportion of that force employed in active operations in Spain and Portugal. There is also 1,500,000*l*. in arrear of debt due to the East India company, for services performed

performed by them in former years ; and about 3,000,000*l.* of pecuniary aid to our allies, of which 1,200,000*l.* was sent to the king of Sweden, under the sanction of parliament, and the remainder to aid the patriotic efforts of the Spaniards, with the concurrence and approbation of every man in the kingdom. I must leave to the house and to the public to judge, whether any of these branches of expenditure could have been abridged, consistent with justice or sound policy ; and will now proceed to the plan of the honourable gentleman.—

The honourable gentleman took up all the facts noticed by Mr. Wardle, and attempted to show the fallacy of his arguments, and concluded with saying : “ There is only one topic more on which I will trouble the house at present. The honourable gentleman has reminded us of the declaration of a gallant admiral (Markham), a member of this house, that one-third of the whole expense of the navy might be saved without prejudice to the service. That expense is now nineteen millions ; and if the honourable gentleman, upon the strength of this assertion, has taken credit for a third of this sum, it will certainly be of main assistance to him towards effecting his proposed saving of eleven millions. The assertion, I am afraid, was made in this house. Whether it was drawn from the honourable admiral in a moment of irritation, and when he was off his guard, I cannot pretend to say ; but I have no difficulty in declaring that it was a rash and inconsiderate assertion, and one which could not be realized. Since it was made, that gallant admiral has been in office ; he has not only been a lord of the admiralty, but what is called the managing lord,

a phrase perfectly well understood at that board. In this situation he must have been anxious, not only from every feeling of duty to his country, but from the most powerful personal motives, to make good his assertion, and to establish the truth and solidity of it, by his own practice and his own retrenchments. Further, he must have been goaded to it every day and almost every hour, by that æconomical administration which has this night received the praise of the honourable gentleman, an administration under which the gallant admiral served, and the members of which had, in a manner, made themselves parties to this pledge, not less by their boasted professions of æconomy, than by the cheers of approbation they gave to the original assertion. Well, sir, what was done ? Were the estimates of the navy diminished ? Was the sum required for wages, for wear and tear, for victualing, less than under the honourable admiral’s predecessors ? In fact, was the expense lessened at all, or in any material degree ? It certainly was not, and the honourable admiral must have found his mistake. It would be preposterous to pretend, that in an expenditure of nineteen millions there exist no abuses at all ; but I maintain, that when they are discovered they are corrected ; that there is no wilful waste countenanced by the heads of departments ; that there is as much vigilance and as much anxiety to keep down expense in the present admiralty as there could be during the management of the honourable admiral ; and that many beneficial regulations have lately been made for this purpose ; but that no such saving, as was rashly stated by him to be practicable, can be effected ; and that the total expense

expense cannot be materially, if at all, diminished, as long as the war compels us to keep up our navy to its present establishment. So far, therefore, from the honourable gentleman's statement having derived any real support from the assertion of the gallant admiral, I say that he, as I trust the house and the public will, ought to take a warning from it, to mistrust his own assertions; and that the mischievous use which has been made of the gallant admiral's statement and authority out of doors, to create discontent, ought to have been a lesson to the honourable gentleman to hesitate before he came forward here, or elsewhere, with similar assertions, calculated not to alleviate any real pressure, but to add to the irritation of the public, not to improve our resources, but to increase the difficulties and hazards inseparable from a protracted war, of which no man can foresee the issue, or determine the duration."

Mr. Ward spoke on the same side.

Mr. Parnell.—Before, sir, I make any reply to the arguments of the honourable member (Mr. Huskisson), I feel myself called upon to assert, that a charge more unfounded could not be made by one member against another, than that which he has brought forward against the honourable member behind me, for making his statement on the last day of the session. I appeal to every member in the house, whether or not the honourable member was not compelled to do so; and whether it was possible for him, after the threat that was held over him from the moment at which he first expressed his opinion of the saving that might be made in the public expenditure, to permit the session to close, without

coming down to the house and stating the grounds of that opinion. The honourable member has said, that the honourable mover has made a statement of mere assertion, and that he could just as easily have proved a saving of a million as a saving of 500,000*l.* whenever he had said that he could save the latter sum. This, sir, I positively deny; the statement of the honourable member was replete with sound argument, supported by indisputable facts, and corroborated by the best authorities; nothing was advanced in it which the honourable member did not most satisfactorily sustain; and it was very evident that, when the house heard this statement, a great degree of surprise was excited, in consequence of the extent of proof which the honourable member was able to advance in support of his general opinion. In what the honourable member opposite has said, respecting the expenditure of the last year being greater than the expenditure of the preceding year by seven millions, he has altogether misrepresented the honourable member and me. He made no such absurd position, as that of saying, that because the expenditure had increased seven millions, therefore a saving might be effected of eleven. He referred to this fact merely with a view of showing that grounds existed for forming a presumption that a considerable saving might be effected, and that whatever he advanced in the detail might be borne out. When, sir, I come to consider the observations of the honourable member upon the statement which has been made to the house, I cannot avoid remarking how very superficially he has dwelt upon that part of it which relates to the army. It is in this department

ment where, according to common notoriety, the greatest abuses prevail; and in the general management of which, a greater want of sound principles is generally conceived to exist than in any other department; and though the honourable member behind me has made out items on which six millions, in his opinion, might be saved, the honourable member opposite has confined his observations to two of them only, the foreign corps and fortifications. Is the house to conclude from this that the honourable member is unable to meet arguments and authorities advanced upon this general head? I think, sir, it has, in a great degree, a right to do so; it has, at least, a right to infer that the honourable member who has proposed this saving, has not done so on the light grounds of mere assertion, imputed to him by the honourable member.

Now, sir, as to the opinion which the honourable member behind me entertains respecting the military expenditure of Ireland, in this I most fully concur with him, and am desirous to bear with him equal responsibility for the accuracy of it; for I defy any one to show that this greatly increased expenditure, from 400,000*l.* in the American war to two millions in 1799, and to near five millions in 1809, can be accounted for by any other means than by the impolitic resistance which is made to the constitutional claims of the people of Ireland. It is notorious to every one, that the object of that expenditure is in a great degree to keep the people in subjection, and that so large an army would not be wanting, if no such object existed. I have therefore a right to say, that if a wiser policy was adopted in governing Ireland, a great por-

tion of this expenditure might be saved, and an additional security obtained for the defence of the country, against invasion, in the hearts and affections of the whole people of Ireland. The people of this country are greatly mistaken, if they conceive that this part of the public expenditure is of no concern to them. They pay of it, by the articles of the union, no less than 15 parts out of 17; and they should be more on their guard, therefore, how they lend themselves to the designs of those who create alarms by talking of the terrors of popery. They should consider that they impose upon themselves a charge of no less than two millions a year, by refusing to their catholic fellow subjects their just and constitutional rights.

I must here, sir, remark upon another point on which the honourable member opposite has greatly mistaken the statement of the honourable member behind me. He has argued as if he took credit for a great saving to be effected in the naval department, in order to make out a total saving of eleven millions. He has done no such thing. The savings which he has calculated upon are—in the army, 6,182,000*l.*—Management of the revenue, 1,110,000*l.*—Commissions of accounts and inquiry, 75,000*l.*—Pensions, 300,000*l.*—Colonies, 500,000*l.*—Bounties, 150,000*l.* Allowance on management of debt, 210,000*l.*—The military expenditure of Ireland, 2,000,000*l.*—making 10,857,000*l.* The savings which might be effected in the navy departments will amply make good what this sum wants of eleven millions; and it will also cover any errors that may have been made in taking the savings in the other department

so high as 10,857,000*l*. I have felt it due, sir, to the honourable member behind me, to make these observations in explanation and support of what he has said. The honourable member has undertaken a task of great responsibility, and one attended with great labour, with a view to promote a public object. His exertions, and the manner in which he has made out the grounds of his opinion, entitle him to the thanks of this house and of the country; and as I, sir, think that the investigation which he has set on foot into every branch of the public expenditure will be attended with the best possible effects, I have felt it my duty to give what support it has lain in my power to give him.

Mr. Rose, Mr. Lockhart, and Mr. H. Thornton spoke to different points in the discussion.

The question was then loudly called for, and was put on Mr. Wardle's 32 motions.

The first motion was "for an account of the expense of the royal staff, for the last three years, distinguishing the numbers employed at home and abroad."

The motion was carried without a division.

The second was the total expense of the local militia to the present time.

Mr. Huskisson said, he had no objection to grant such accounts as ministers should in their judge-

ment conceive within the spirit and scope of the honourable gentleman's motions. If in the next session he thought any of these accounts not sufficiently particular, he might then move for a further account at that time.

Mr. Wardle said that he should be perfectly satisfied.

All the motions were then passed, with some slight observations. Among the number were, accounts of the expenses of the royal wagon train, of the Manx fencibles, of fortifications, Martello towers, and military canals, printing and stationary for both houses of parliament.

House of Lords, Wednesday June 21. The chancellor stated to their lordships, that the lords commissioners appointed by the king had received two commissions from his majesty, signed by his own hand, one for giving the royal assent to a bill agreed to by both houses of parliament, and the other for proroguing the parliament.

The lords commissioners then desired the attendance of the hon. house of commons in the house of lords to hear his majesty's gracious communication; and on the appearance of the speaker and the members of the house of commons, the lord chancellor read his majesty's most gracious speech. [See Public Papers.]

CHAPTER VI.

Introductory Observations—Brief recapitulatory Sketch of the Affairs of Spain during 1808—Their melancholy State at the End of that Year—Interest taken by the British Nation in the Cause of the Patriots—Their Disappointment and Indignation at the Convention of Cintra—Board of Inquiry on this Subject—Proceedings of the Board—Their Importance, as affording a historical Document—Abstract of the Evidence laid before the Board—Transactions of Sir Arthur Wellesley till the Arrival of Sir Harry Burrard—First Point of Difference respecting the Plan of Operations between the two Generals—Reasons assigned by Sir Harry Burrard for the Army not advancing—Evidence respecting the Degree of Defeat sustained by the French at Vimeira—Arrival of Sir Hugh Dalrymple—Armistice proposed by the French General—Discussions on the Articles of it—Advantages supposed to result from the Convention—Report of the Board on the Conduct of the Generals—A more definite Opinion called for by His Majesty—General Nicholls's Reasons for disapproving of the Convention—The Earl of Pembroke's—Lord Moira's Objections to the Armistice and Convention—Remarks on the Issue of the Board's Proceedings.

THE situation of affairs, on the continent of Europe, at the termination of the year 1808, proved, with a melancholy certainty, the continued and undiminished operation of those causes, some of which we briefly sketched in the introductory observations to the historical department of the last volume of our Register, as producing and accounting for the success of the French arms, and the establishment and extension of French power.

During the progress of that year a more prosperous and happier æra appeared to be dawning on Europe, worn out by a cruel and destructive warfare for nearly twenty years; and writhing under the most foul and tyrannical oppression, that ever cursed this portion of the globe. The enemy of peace

and liberty, hitherto feebly and partially opposed by the people of those countries which he had conquered, met in Spain with a resistance at once unexpected and formidable. The happiest results were anticipated from the enthusiastic and heroic insurrection of such a people as Spain possessed;—a people, who, amidst superstition and ignorance, still preserved some of the most proud and dignifying features of the human character. The situation and nature of the country which they inhabited, were also justly regarded as affording no slight additional source of hope, that they would ultimately succeed in rescuing themselves from the oppression and tyranny of Bonaparte. It was, indeed, to be expected, that, at the first onset, they would be compelled

compelled to yield a temporary superiority and triumph to the systematic and powerful attacks of the innumerable hordes that would be poured in against them, aided by the most perfect military discipline and skill, and headed by generals of the most consummate talent and activity. But, fortunately, it was hoped, for their cause, before Bonaparte could assemble, and lead against them, a very superior and formidable force, they had only to cope with comparatively small hostile armies,—separated from each other,—taken unawares,—headed by generals of no great reputation or skill,—and exposed on all sides to the fury of the Spanish people. The unforeseen and unexpected resistance into which they had suddenly burst forth, favoured them also in another respect. It afforded them an opportunity of proving that Bonaparte might be blind to his own interests, foiled in his schemes, at least for a season, and proved not invincible, at least in his armies.

These and other considerations of a similar nature, filled even those who were not apt to be sanguine, and who thought not lightly, or with prejudice, of Bonaparte's power and resources, with the fond expectation of witnessing the revival of liberty and independence springing up amidst the people of Spain, and spreading from them, and by their means, over the rest of the continent. This cherished and pleasing expectation ripened almost into certainty, when the armed peasantry of Spain, though unused to a military life, deprived of the foresight and resources of a regular and established government, and deserted by too many of their nobles, defeated and took prisoners the army of Dupont,

chased the usurper from Madrid, and compelled the French to concentrate themselves on the Ebro.

Hitherto the provisional juntas and the people of Spain had performed their duty in its most ample and honourable extent; and fulfilled whatever those who hailed their insurrection with joy had predicted with confidence. It was expected and anticipated, that the whole effective population of Spain, rushing forward in one impenetrable and irresistible mass, would free their country from the presence of their oppressors, and close against them, for ever, those barriers which nature had planted for their protection and defence. How cruelly and dreadfully, then, were the friends of Spanish independence disappointed, when the precious moments of Bonaparte's inability to act, from the weakness and disasters of his armies, and the unprepared condition in which the Spanish insurrection found him, were witnessed passing away in indecision and inactivity!

Bonaparte did not fail to take advantage of this remissness on the part of the Spaniards. He did not indeed hurry on the march of his armies beyond the Pyrenees, nor appear himself at their head till every circumstance and operation necessary for their maintenance, their regular progress, and their success, were completely and fully secured. This conduct, to many, appeared irresolute, slow and timid: because he did not immediately come forward in impetuous and open attack, they concluded that he was apprehensive of defeat, and unable to recover from the consternation and surprise into which the unexpected insurrection and resistance of the Spaniards had thrown him. But when all was ready,

ready, and not before; when the equipment of his army was complete; when his schemes, laid with the utmost skill, secrecy, and penetration, were ensured success by the adequacy, promptness and efficacy of the means employed, he showed himself still possessed of his former talents, and prepared to act with his wonted activity and energy. The Spanish armies sunk beneath the immense force brought against them; they were every where defeated, driven back, dispersed, or broken up. The capital of their country was again polluted by the presence of the usurper; and at the close of the year, not many were so sanguine as to look forward to that independence, which a few months before had been deemed almost secured and established.

Still there were many circumstances attending the affairs and situation of Spain, melancholy and unfortunate as they were, which forbade the indulgence of complete despair. Although from the imbecility and inactivity of their provisional government, and from the want of regular and steady courage, aided by discipline and skill among their troops, every contest with the enemy ended in their defeat and dispersion, they did not appear disposed to submit or capitulate. Only the territory covered by the French armies, or within the immediate reach of their power and vengeance, could properly be said to be subdued. Their troops were conquered, but the nation preserved its spirit, its hopes, and its strong and animating antipathy to the invaders of their soil. The contrast between Spain after her defeats, and the other nations of the continent which had been subdued by the French emperor, was

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striking and consoling:—when the latter were defeated in the field, submission and conquest in its most degrading and unqualified sense immediately followed, and experienced little or no interruption from the burst of national feeling; the people appeared to regard the contest as merely between the two opposing armies; they probably wished well to their own; but when it was conquered and compelled to submit, they yielded themselves up without resistance to their new masters. In Spain, on the contrary, the people looked upon *themselves* as most immediately concerned in the contest, and seemed firmly persuaded, that while they were determined not to be tame and quiet subjects of their invader, his power must be limited, precarious and temporary, notwithstanding their national armies had fled before him.

Such was the state of Spain at the termination of the year 1808, preserving its hopes and its determination to resist its oppressor, amidst disasters so tremendous and continued, as to have infused despair into the breasts of its most sanguine friends and well wishers. Of these, none were so enthusiastic as the British nation. They therefore hailed with pleasure and high expectation the determination of the British government to assist the patriotic Spaniards. Much was expected from this assistance. Besides the advantage it was hoped it would afford to the Spanish cause, the British nation looked forward to the laurels which their armies would reap when opposed to the legions of Bonaparte; they anticipated triumphs that would bring the glory and fame of the British soldiery more nearly on a level with that of the British navy. The pe-

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culiar situation of the French army in Portugal, which our troops were commissioned to attack,—cut off from all assistance, and almost from all communication with the other forces of Bonaparte in the peninsula; in the midst of an irritated and revengeful people, eager to retaliate for the misery and pillage they had suffered,—naturally heightened the hopes that British valour would speedily render most glorious and decisive assistance to the cause of its allies. All that was expected from the valour of our troops was fully accomplished. Junot's army was twice completely beaten; but these victories served only to benefit our enemies: our generals, superior to the French in the field, were foiled by their adroitness and skill in the cabinet. The disgraceful and disastrous convention of Cintra proved an unworthy and lamentable consequence of the splendid and decisive victory of Vimeira.

The British nation, justly and deeply indignant at this complete frustration of their high and well-founded hopes, and anxious to wipe off the disgrace which this convention affixed on their name, and to make some small atonement for the injury done to their allies, loudly and universally called for the punishment of those, by whose advice and authority the blood of its soldiers had been thus wantonly thrown away, its own honour tarnished, and the cause of the Spanish patriots not merely neglected, but absolutely injured in an essential manner. The British government, however, did not seem disposed to take up the affair in the same serious light in which it was viewed by the people; it was, indeed, declared by very high authority, that the convention of Cintra

“had disappointed the hopes and expectations of the nation;” but though it was thus justly designated and denounced, the steps taken to affix the stigma and punishment where it ought to fall, were slow, forced, and unwilling, and ended in a measure certainly not adequate to the importance of the transaction, nor such as was likely either to satisfy the people, or bring the guilty to adequate punishment.

Instead of the ordinary and decisive measure of a court-martial, a court of inquiry was instituted. Some of the leading and most important facts and circumstances which were brought to light during the sitting of this court, were briefly noticed in our volume for last year. As the decision and opinion of the court were not made public till the beginning of this year, the evidence produced before it falls properly under our present consideration.

This evidence is materially interesting and important in two points of view: in the first place, as it obviously will enable us to form an accurate, clear, and impartial opinion on the propriety, the necessity, or advantage of the convention of Cintra, and consequently on the fairness and justice of the opinion delivered by the different members of the court; and secondly, as it supplies us with an historical document of great utility, in filling up what was incomplete, in correcting what was inaccurate, and in linking together what was loose and unconnected in the narrative of the operations of our army in Portugal. It is so extremely difficult for the historian, who gives to the public the events of the immediately past year, to gain access to complete and full autho-

authorities for the different events which he records, that he should by no means neglect or pass by such documents as are supplied by official inquiries. The accounts which are given to the public in the official gazettes, are necessarily confined to the battles that have been fought; and even of those, they seldom record more than the leading and most important facts. Of the events which preceded or followed the battles;—of the general plan of operations;—of the circumstances or motives which operated on the mind and conduct of the general;—and of a multitude of other particulars, which serve to give a roundness and consistency to historical narrative, and in no slight degree to increase its interest and utility, the communications which a government regularly lays before the nation are necessarily and properly divested. Trusting that the truth and justice of these observations will be felt and acknowledged by our readers, we shall now state the substance of the evidence laid before the court of inquiry, and thus enable them, both to form their own opinion of the convention of Cintra, and to gain a more full and accurate acquaintance with the operations of the British army in Portugal.

The board of inquiry were commanded, by the king's warrant, of the 1st day of November 1808, to make a strict inquiry into the causes and circumstances, whether connected with the situation of the British army or not, which led to the suspension of arms concluded on the 22d of August 1808, and subsequently to the convention concluded on the 31st of the same month. Of course the conduct of the general officer, who was implicated in the convention, was also

to be investigated. In order that every circumstance, in the slightest degree bearing upon, or tending to elucidate or explain, the grand object of the court of inquiry, might be brought forward, evidence was called respecting all the operations of the army, from the period of its embarkation at Cork. From this evidence, the following facts were established.

Early in the month of May, 1808, a large force was assembled at Cork, the command of which was to be given to sir Arthur Wellesley, but the primary object of which, as unconnected with the subject of inquiry, is not stated. In consequence of the universal and unexpected resistance which the Spaniards, about that time, commenced against the French, and their application to the British government for assistance, sir Arthur Wellesley, in the beginning of July, was ordered to sail from Cork, with nine thousand men, being authorized and instructed generally to assist the Spanish nation, and more particularly to use his most prompt and efficacious endeavours to attack the French in the Tagus, to expel the enemy from Lisbon, and *to cut off their retreat towards Spain*. On his arrival at Corunna, he communicated the instructions he had received to the junta of Galicia; and in compliance with their advice and recommendation, he proceeded towards Portugal. As he had been instructed to free the Tagus from the French, sir Arthur, having ordered the transports to Mondego, joined admiral Cotton, who was stationed off that river, for the purpose of consulting with him respecting this measure. On mature deliberation, sir Arthur Wellesley and the admiral concurred in opinion, that

the state of the surfs, the unfavourable nature of the coast, the defences which the enemy had constructed, and the immediate neighbourhood of his whole disposable force, to whose attack the British army, while it was employed in effecting its landing, would unavoidably be exposed, rendered the plan of disembarking in the mouth of the Tagus unadvisable, if not impracticable. The general therefore formed his resolution to land at Mondego Bay. And as he considered it of the utmost importance to bring all the British force to bear upon the liberation of Portugal, he sent orders to general Spencer, who had 5000 men under him at Cadiz, to proceed and join him. The number of the French forces in Portugal was supposed to be about 20,000 men.

When sir Arthur Wellesley arrived in Mondego Bay, he received information from government that a reinforcement of 5000 men would soon arrive, and that eventually 10,000 more, under the command of sir John Moore, would be sent out. He was informed at the same time, that sir Hew Dalrymple was to command the army; but that, in the interim, he was to proceed in carrying into execution the instructions he had received, and in making himself master of Lisbon, if he deemed his force equal to the accomplishment of that object.

A few days afterwards, official information was sent to sir Arthur Wellesley from the British government, that he was to have two superior officers placed over him; viz. sir Hew Dalrymple and sir Harry Burrard. Instructions were at the same time communicated to the latter general, directing him, after the reduction of the Tagus,

and the expulsion of the French from Portugal, to secure the harbour of Cadiz, and to destroy the force which the enemy had in Andalusia.

During the disembarkation of the English army at Mondego Bay, which, from the high surf, was attended with great difficulties and impediments, occupying from the 1st to the 8th of August, every necessary precaution and measure were taken by sir Arthur Wellesley to secure the immediate movement of the troops towards Lisbon. For this purpose application was made to the Portuguese for carriages and horses. The partial and tardy compliance with this application on the part of the Portuguese government, and their unwillingness to accede to the proposal of the British general, for arming and equipping the native troops, disappointed sir Arthur's expectations, and in some degree thwarted and retarded the execution of his plans. Before he marched forward, he left full information of his situation and intentions, for sir Harry Burrard on his arrival at Mondego Bay.

At first the British general had determined to await the reinforcements of which he had been apprized by his government, and which were speedily expected, before he ventured to attack the French army. But reflecting on the great benefits which would arise from the immediate adoption of prompt and decisive measures,—on the effect which they would necessarily produce on his own army; on the people and government of Portugal, who manifestly waited for some signal success of their new allies, before they would cordially join or rise against their invaders; and on the French themselves;

themselves;—sir Arthur changed his intention of waiting for his reinforcements, and determined to march against the enemy. This determination was considerably and justly strengthened by information which he had received from a source, on the accuracy and fidelity of which he could depend, that Junot could not bring into the field against him, a force numerically greater than that which he commanded; while, from the circumstances in which it was placed, it might justly be regarded as essentially weaker.

There were two roads by which he could advance to Lisbon; either by the coast, or through the interior at a small distance from the coast. He chose the former route, principally because, while following it, he could with ease and safety preserve his communication with the shipping, and thus obtain regular and full supplies of bread. The villages through which he passed supplied him with wine and cattle.

During the six first days of their march, the Portuguese troops moved on the left of the British; afterwards they started so many frivolous difficulties and objections, respecting their mode of subsistence, and the position sir Arthur wished them to occupy during the march, that he deemed it most prudent to dispense with their co-operation, and merely to request that they would furnish him with sixteen hundred men.

Junot, for the purpose of opposing the further advance of the British army, had dispatched general Laborde with a corps of six thousand men, who took up a strong position in the defiles near Obidos. From this position he was compelled to retire with considerable loss; and the British troops proceeded

without further interruption or opposition to Vimeira. After their arrival at this place, they were joined by brigadier-general Anstruther's brigade of 2,400 men, and by that of brigadier-general Ackland, consisting of 1,750 men.

About the time that the British general commenced his march from Mondego Bay, the enemy had pushed on two considerable advanced corps under Laborde and Loison. After the action near Obidos, these corps fell back on Lisbon and joined Junot: this commander, desirous of attacking sir Arthur before he was strengthened by the forces under generals Anstruther and Ackland, and calculating that the boisterous condition of the weather had prevented the landing of these corps, proceeded from Lisbon with about 14,000 men towards Vimeira, where the British troops were posted. Completely failing in this attack, Junot was obliged to retreat upon Torres Vedras and Cabeça de Monte Chique, where he endeavoured to rally and reassemble his army.

It is now necessary to advert, with some minuteness and particularity, to the movements and operations of sir Harry Burrard, as from this part of the evidence the question respecting the propriety, necessity, or advantage of the convention of Cintra must principally be determined.

On the 31st of July, this officer having received his appointment, as second in command under sir Hew Dalrymple, and being furnished with the necessary instructions, sailed from Portsmouth together with a corps of 10,000 infantry under the command of sir John Moore. On the 18th of the following month, having arrived in

Mondego Bay, he there found dispatches from sir Arthur Wellesley, advising the disembarkation of sir John Moore's corps at that place, and their advance upon Santarem, for the purpose of confining the operations and movements of the enemy in that quarter. Sir Harry Burrard, on considering that it would be extremely difficult, and occasion great delay, to equip and supply sir John Moore's corps in such a manner as would enable them to act with effect in the interior of the country, at a distance from the main body of the British army; and that, while thus situated and acting, they would be exposed to a superior force of the enemy, if he chose to push on towards Santarem, determined, for the present, to decline the mode of operation suggested by sir Arthur Wellesley. Having subsequently learnt the result of the action near Obidos, he directed sir John Moore to land in Mondego Bay, and to act in whatever manner he thought would be most advantageous to the service; keeping in view, at the same time, the directions which had been left by sir Arthur Wellesley. By a subsequent order from sir Harry Burrard, sir John Moore, who had begun to disembark at Mondego Bay, reembarked those he had landed, and proceeded to Maceira.

At the first conference of sir Arthur Wellesley and sir Harry Burrard, the former laid before the latter an account of the general state of things, and concluded by expressing his intention to march the next morning, (August 21,) by the Mafra road, to attack the enemy, who had assembled his forces at Torres Vedras. To this plan sir Harry Burrard strongly objected: he entered into a detail of the many serious difficulties

which must be encountered and overcome if it were put in execution: viz. the communication between the army, the victuallers and shore would necessarily be cut off, to a considerable distance, and probably for a longer time than was anticipated, if, on the arrival of the army at Torres Vedras, the position or strength of the enemy should be found more formidable than was expected: the inferior number of the British cavalry; the feeble state and inadequate supply of their artillery and carriage horses and mules; the nature of the ground over which they would be obliged to march, at once favourable to the enemy's plans of defence, and harassing to an attacking army; and the very slight dependence which could be placed on the Portuguese assistance:—these and other considerations of less weight and moment, were strongly urged by sir Harry Burrard, against the proposal of sir Arthur Wellesley. On the other hand, he recommended, that no operations or movements should take place till sir John Moore's reinforcement had arrived; and that they should be very cautious not to run any risk of defeating, by the adoption of a rash and unguarded measure, the great object for which the army had been sent into Portugal, or of sacrificing a great number of men, without a moral certainty of its absolute and complete accomplishment. In these sentiments sir Harry Burrard was joined by his adjutant and quarter-master-generals, brigadier-general Clinton and colonel Murray. Orders were accordingly issued to sir Arthur Wellesley not to advance on the morning of the 21st, as he had at first intended.

Sir Arthur on his return from the conference was informed by the patrols

patroles that the enemy were in motion; and as it appeared highly probable that they were moving for the purpose of attacking the British army, he made the necessary preparations to receive them by strengthening his centre, and placing his artillery in that position, on which, from the mode of the enemy's patrolling, it was reasonable to think they would commence their operations. On the morning of the 21st, sir Harry Burrard, having been informed that large bodies of the French were moving towards the left of the British army, proceeded as expeditiously as possible towards Vimeira, and arrived just as the brigades of generals Fane and Anstruther, which formed the advanced corps, were vigorously attacked. From what he saw and witnessed himself, and from the information he received, sir Harry Burrard was immediately put in complete possession of the measures taken by sir Arthur Wellesley to repulse and defeat the enemy; and to these measures he gave, in the most open and unqualified manner, his decided and warm approbation, directing him to follow up and accomplish the execution of an operation which he had planned with so much ability and skill, and begun with so much success and honour.

The statements and evidence adduced before the court of inquiry, by sir Harry Burrard, dwelt with more emphasis and particularity on the events of the battle of Vimeira, than those which sir Arthur Wellesley had thought it necessary to bring forward. Sir Harry Burrard did not mean to deny the victory which our troops gained, nor to lessen the value or the honour of it: his evidence admitted that the attack made by the enemy on the

village, and on the advanced corps of the British forces, was completely repulsed; and that in their retreat they were not followed by our infantry, because sir Arthur Wellesley had judiciously given positive orders to them not to quit their position, unless some peculiar and important advantage could be derived from their advance, of which they would be informed immediately and expressly. The 20th regiment of light dragoons, who alone pursued the defeated and retreating enemy, were obliged to give up the pursuit, from the circumstance of their having fallen in with a superior body of hostile cavalry. The foresight and judiciousness of the order given by sir Arthur Wellesley, forbidding the infantry to advance, were speedily made abundantly manifest, by the principal effort of the French being directed on the left of the British, where they were completely repulsed by general Fergusson, who, on the arrival of support, advanced and took three pieces of cannon. After the firing had ceased, bodies of the enemy's cavalry, of about 200 men each, were seen on the left of the British; and at about three miles distant, in front of the centre of our army, a considerable corps of the French had rallied, completely recovered from their disorder, and formed a regular line.

At this time, the difference of opinion between the British generals, respecting the operations which should be immediately adopted, in consequence of the complete repulse of the enemy on every point of attack, first discovered itself. Sir Arthur Wellesley proposed to sir Harry Burrard, to advance upon Torres Vedras with part of the army, and with a larger division to pursue the defeated enemy. In order that the

prudence and propriety of this advice may be accurately ascertained, it will be necessary to advert to the situation of the army at this time. The brigade of general Hill, which had not mixed in the previous engagement, was on an eminence behind the village of Vimeira, forming the left of the British army, while the brigades of generals Fergusson and Nightingale formed the right, at the distance of rather more than three miles. The centre, in front of Vimeira, was occupied by the brigades of generals Anstruther and Fane. The remainder of the army was posted in such a manner as to strengthen the left, and to support the Portuguese troops, who occupied the rear of the left.

The enemy, no doubt, were completely repulsed; but the evidence laid before the court by sir Harry Burrard, tended to prove that there were many circumstances connected, either with the positive situation and equipment of the British army, or with its situation and equipment relatively to the situation and force of the enemy, which would greatly retard the pursuit, even if it were regarded as prudent and wise, and which threw considerable doubts on the prudence and wisdom of pursuing an enemy already rallied and formed, and possessed of such superior cavalry. By means of their superiority in this important respect, their infantry, covered and protected in their retreat by their cavalry, might, without loss, disorder, or confusion, continue their retreat, till they should reach an advantageous situation, where they might again rally and form, and in their turn attack the British with every prospect of success.

Sir Arthur Wellesley discovered,

by his conduct on the 17th of August, that he admitted the full force of these considerations; for then, although the enemy had not half the cavalry which they had at the battle of Vimeira, he acknowledged, in his official dispatch, that "the enemy retired with the utmost regularity and the greatest celerity; and notwithstanding the rapid advance of the British infantry, the want of a sufficient body of cavalry was the cause of his suffering but little loss in the plain;" and in another place he says, "he (the enemy) succeeded in effecting his retreat in good order, owing principally to my want of cavalry."

Another observation made by sir Harry Burrard, appeared to have weighed considerably with the court in support of the wisdom of the orders he gave, in opposition to the opinion of sir Arthur Wellesley. The attack made by the French on the centre of the English army took place a considerable time before the repulse of that division of the enemy which attacked our left: the former body, therefore, after their repulse, not being pursued, except partially, and for a short period, by the 20th light dragoons, had more than an hour's time to reassemble, and to occupy such a position as would cover and protect the retreat of their right; and, in point of fact, the enemy, after their repulse, did form in several lines, at about three miles distance, in front of the centre of our army.

For these reasons, the force of which was admitted by sir Arthur Wellesley, and which were greatly strengthened by the reflection, that the immediate arrival of sir John Moore's corps rested on the utmost certainty, sir Harry Burrard

rard declined pursuing the enemy any further that day. On the next (the 22d) sir Hew Dalrymple arrived, and assumed the command of the army.

The commander-in-chief, having learnt from his two predecessors the situation of affairs, gave orders for the army to march early in the morning of the 23d. In the mean time general Kellerman arrived at the British head-quarters with proposals for a suspension of arms, preparatory to the arrangement of a final convention, by which the French army were to evacuate Portugal. On this proposal, the commander-in-chief called in the advice of sir Arthur Wellesley and sir Harry Burrard, and they accordingly were present and assisted him in the conferences which took place with general Kellerman. The three British generals coincided in opinion, that under all the circumstances of their situation, advertg to themselves, as commanding a force acting in alliance with the sovereign of Portugal, and combating in a country from which they had hitherto received no material assistance, against an enemy who were actually in possession of the capital and fortresses of that country, and who, in a military point of view, might justly be regarded as having the resources of the whole kingdom at their command; taking into mature and impartial consideration, at the same time, the extreme difficulty and hazard which would attend the attempt to expel the French army by force of arms, and the mischief and misery which, till they were expelled or removed by negotiation, the Portuguese would unavoidably be exposed to: advertg to all these circumstances, and giving them their due weight, it

was agreed and determined, that a convention or capitulation, which should speedily and honourably expel the French army from Portugal, was expedient and advisable: a cessation of arms was therefore agreed upon, and the leading articles of a convention were also adjusted, which, however, were not to be regarded as binding and effectual, till they had received the concurrence of admiral Cotton.

The admiral having declined to sanction the article in the convention which related to the Russian fleet; the commander of the force conceived the armistice to be at an end, and resolved to send colonel Murray to announce the recommencement of hostilities; giving him, however, at the same time, power to treat without delay on the basis of all the articles, except that which had been objected to by admiral Cotton. In order that colonel Murray might have a full and clear insight into the nature of the terms on which he was to insist, and be in complete possession of the opinion and expectations of the British generals on the subject, the commander-in-chief explained his mind in a letter, and sir Arthur Wellesley supplied him with the memoranda, which he himself had taken down.

When the proposed treaty ratified by general Junot was brought to the British head-quarters, all the lieutenant-generals (Burrard, Moore, Hope, Fraser, and Wellesley) were present, except lord Paget. A formal discussion took place. Alterations were proposed by sir Arthur Wellesley, which were adopted, and incorporated in the copy of the treaty, which was sent back to colonel Murray. Not one of the lieutenant-generals expressed any disapprobation at the

the state or terms of the negotiation. In one or two subsequent meetings which took place, for the purpose of making or considering further alterations in the convention, the lieutenant-generals were present, and consulted. These meetings the commander of the forces did not call, or regard, as regular councils of war. He wished them to be considered by the lieutenant-generals, and he made use of them himself, in a more unrestricted manner. He was anxious to reap the benefit of their talents and experience; to consult them in cases of nicety, difficulty and importance; so that, after having availed himself of the advantage and information he might draw from their reasonings and suggestions, he might pursue such measures as he himself, thus instructed or corrected, might deem most for the good of his majesty's service.

The principal advantages which were in the contemplation of the British generals, when they agreed to accede to the convention of Cintra, were the following:

1. That by means of it, the kingdom of Portugal would be immediately liberated from the dominion and rapacity of the French; their capital and fortresses, their principal sea-ports, their personal liberty, their national independence, their property, religion, laws and established government, would be restored to the inhabitants.

2. That a large extent of the Spanish frontier would thus be completely relieved from all apprehension of being invaded by the army of the enemy; and the whole of Spain, from the danger and alarm to which they were unavoidably every moment subject, while the troops of Junot occupied

the country immediately behind them. Thus freed from all apprehension in this respect, Spain would feel itself at liberty to take more general and effectual measures for its defence; while it might justly look up to Portugal, restored to independence, for assistance in a cause in which they were mutually interested.

3. The convention of Cintra was regarded by the British generals as enabling the British army immediately to enter Spain, if it was deemed requisite and advisable, by the shortest and easiest routes; while the French army was to be sent to a very distant part of their own coast, so far removed from the Spanish frontier, that a considerable time must necessarily elapse before they could again take the field, either against us or our allies.

4. That it gave immediate release to 4000 Spanish soldiers, who were needed for the defence of Catalonia, besides another corps, 2000 strong, who were on the Portuguese frontier. The Portuguese army also, hitherto almost useless, were by means of the convention rendered disposable for the common cause.

5. The season of the year was so far advanced, that the men of war and transports were exposed to great danger while lying on the Portuguese coast, and could not, without the utmost difficulty, keep their station; but on the access to them being regular, constant and easy, the supplies and consequent operations of the army essentially depended: it was, therefore, no slight advantage to gain, by means of the convention of Cintra, the immediate and safe shelter which the Tagus afforded.

It was moreover contended by the

the British generals, as highly probable, that the enemy, if they had been required to lay down their arms, and surrender themselves prisoners of war, would not have complied, but, driven to extremity and despair, they would have fallen back upon Lisbon, united themselves to the Russians, 6000 in number, who, on the supposition of no convention having been agreed upon, would have been reduced to the necessity of sharing their fate; and that, by such a force, placed in such a situation, much destruction and misery would certainly have been inflicted on Lisbon, and the Portuguese within their power. Nor did it appear to the British generals, that the ultimate escape of the French army could have been cut off: they were masters of the Russian fleet, and of the shipping and boats in the Tagus; no obstacle therefore opposed their passage of the river: its eastern bank might have been defended by them for a considerable length of time, and thus the occupation of the Tagus by our fleet would have been prevented. Possessed of the strong fortress of Alentejo, they had it completely in their power to have carried on a protracted and destructive war; injurious not merely to the country which they occupied, but highly detrimental to the cause of the Spanish patriots, by preventing, for the remainder of the year, the march of the British troops into Spain; and thus frustrating, in a great measure, the grand and paramount object for which our army had been sent into the peninsula.

The evidence then adverts to the mode in which the several articles of the convention were carried into execution: much firmness and resolution were honourably display-

ed on the part of the British commander, in resisting the pretensions of the enemy, and the loose and partial interpretation which, for their own emolument, they were too disposed to put upon many of the articles. Care was taken that every stipulation should be restricted to its fair, honourable, and grammatical meaning. The plunder which the French had seized, and were endeavouring to carry off, alleging that it was private property, and consequently their right, they were compelled to disgorge, and it was most scrupulously restored to its lawful owners.

The Portuguese, at first, either because they were not fully and accurately acquainted with the terms of the convention, or because they misapprehended their meaning, and had their misapprehensions in some degree borne out and strengthened by the dishonourable behaviour of the French with respect to their plunder, or, what is most probable, because they were misled, raised a violent clamour against it; they complained that they had not been consulted, that their interests had been neglected or sacrificed, and that the British appeared to have forgotten that they ought to act solely and scrupulously in the character of allies, and not as principals, making the Portuguese subservient to them. But when the convention was fully known, and dispassionately considered, the clamour subsided, and gratitude and thanks for the benefit it procured them succeeded to jealousy and complaint.

We shall give the conclusion of the report of the board of inquiry in their own words, in order that their opinion may be clearly and impartially expressed, previously to the suggestion of any remarks which

we may deem it proper to offer upon it.

“ On the whole, it appears that the operations of the army under sir Arthur Wellesley, from his landing in Mondego Bay the 1st of August, until the conclusion of the action at Vimeira the 21st of August, were highly honourable and successful, and such as might be expected from a distinguished general at the head of a British army of 13,000 men, augmented on the 20th and 21st to 17,000, deriving only some small aid from a Portuguese corps (1600 men), and against whom an enemy, not exceeding 14,000 in the field, was opposed; and this before the arrival of a very considerable reinforcement from England, under lieutenant-general sir John Moore, which, however, did arrive and join the army from the 25th to the 30th of August.

“ It appears a point on which no evidence adduced can enable the board to pronounce with confidence, whether or not a pursuit after the battle of the 21st could have been efficacious; nor can the board feel confident to determine on the expedience of a forward movement to Torres Vedras, when sir Harry Burrard has stated weighty considerations against such a measure. Further it is to be observed, that so many collateral circumstances could not be known in the moment of the enemy's repulse, as afterwards became clear to the army, and have been represented to the board. And considering the extraordinary circumstances under which two new commanding generals arrived from the ocean and joined the army, (the one during, and the other immediately after, a battle, and those successively superseding each other,

and both, the original commander, within the space of 24 hours,) it is not surprising, that the army was not carried forward until the second day after the action, from the necessity of the generals being acquainted with the actual state of things, and of their army, and proceeding accordingly.

“ It appears that the convention of Cintra, in all its progress and conclusion, or at least all the principal articles of it, was not objected to by the five distinguished lieutenant-generals of that army; and other general officers who were on that service, whom we have had an opportunity to examine, have also concurred in the great advantages that were immediately gained to the country of Portugal, to the army and navy, and to the general service, by the conclusion of the convention at that time.

“ On a consideration of all circumstances as set forth in this report, we most humbly submit our opinion, that no further military proceeding is necessary on the subject; because, howsoever some of us may differ in our sentiments respecting the fitness of the convention, in the relative situation of the two armies, it is our unanimous declaration, that unquestionable zeal and firmness appear throughout to have been exhibited by lieutenant-generals sir Hew Dalrymple, sir Harry Burrard, and sir Arthur Wellesley, as well as that the ardour and gallantry of the rest of the officers and soldiers, on every occasion, during this expedition, have done honour to the troops, and reflected lustre on your majesty's arms.”

On this most extraordinary report it is impossible not to pause and offer a few remarks. Had it been drawn expressly and avowedly for the

the purpose of proving that the prepossession so strongly and generally entertained by the public, against the novel and suspicious appointment of a board of inquiry, was founded in justice, it could not more effectually have produced that effect. By his majesty's warrant, which constituted the board, they were expressly enjoined, strictly to examine, inquire into, and report upon, the conditions of the armistice and convention, and into the conduct, behaviour, and proceedings of sir Hew Dalrymple, and of such other persons as were connected with the armistice and convention; and yet the report of the board is altogether silent on these points. They indeed unanimously declare, that unquestionable zeal and firmness appear throughout to have been exhibited by generals Dalrymple, Burrard, and Wellesley; but they carefully omit giving any opinion on the necessity or advantage of the armistice and convention, or fixing them, whether regarded as justifiable or otherwise, upon any individual.

The report indeed acknowledges that a difference of opinion existed among the members of the board, respecting the fitness of convention, in the relative situation of the two armies; but at the same time, very inconsistently, it contends that no further military proceeding is necessary on the subject. Surely the very existence of a difference of opinion was sufficient ground for the board's recommending further inquiry, conducted in a more regular and formal manner; respect to their own opinions, to the character of the framers and abettors of that convention, about the merits of which they differed, should have induced them to have recommended further investigation; even

if they did not consider it due to an indignant and disappointed country.

The report was so glaringly deficient and unsatisfactory, that, when it was laid before his majesty, the duke of York, as commander-in-chief, received the king's commands, to call the attention of the members of the board to the very points for the consideration of which they were at first expressly appointed, and to desire them to give their opinion, whether, under all the circumstances which had been adduced in evidence before them, respecting the relative situation of the two armies on the 22d of August, an *armistice* were advisable; and if advisable, whether the terms of that armistice were such as ought to have been agreed upon; and whether, still having regard to the relative situation of the armies subsequent to the armistice, when all the British forces were landed, a *convention* were advisable; and if so, whether the terms of that convention were such as ought to have been acceded to? The members of the board, who differed from the majority upon these two points, were desired to record upon the face of the proceedings, the reasons for their dissent.

In consequence of this command of his majesty, the board again assembled; and two questions, framed according to the tenor of the duke of York's letter, were put to each of the members. It appeared that generals Nichols, Nugent, Pembroke, Heathfield, Craig and Dundas, approved of the armistice; the earl of Moira was the only member who objected to it. With respect to the convention, it was approved of by generals Nugent, Heathfield, Craig and Dundas;

Dundas; and disapproved of by generals Nichols, Pembroke and Moira. General Nichols not only gave his reasons for disapproving of the convention, in which he differed from the majority; but also for approving of the armistice, though on that point he coincided with all the other members of the board except the earl of Moira. He approved of the armistice, because the enemy had been able to retire after the battle of the 21st, and had taken up a strong position at the time the armistice was concluded. But is it not evident, that a further inquiry here opened itself? From what cause was the enemy able to retire in such condition, and so entirely unmolested, as to take up a strong position immediately after the battle? Was it owing to any neglect or misconduct of any of the British generals; or even to any error in their judgement as military men? The board, in their general report, had indeed given it as their opinion, that no evidence adduced before them could enable them to pronounce with confidence, whether or not a pursuit, after the battle of the 21st, could have been efficacious. Was it owing to the constitution of the board, as a board merely of inquiry, that no evidence could be got on this very important point? Would not a court-martial have contrived to have got more complete and satisfactory evidence?

Most undoubtedly, if the armistice was rendered advisable, from the circumstance of the enemy having been enabled to take up a strong position immediately after the battle, the court should not have rested satisfied, till they had fixed the guilt of permitting the enemy, after such a defeat as they experienced at Vimeira, to make

that victory nearly useless, upon some individual.

General Nichols justified his entertaining a different opinion from the majority of his colleagues respecting the convention, on the ground that the great increase of the British force, between the suspension of hostilities and the definitive signing of the convention, entitled sir Hew Dalrymple to have insisted on more favourable terms.

The earl of Pembroke entered rather more fully and minutely into his reasons for disapproving of the convention, although he considered the armistice advisable and proper. According to him, sufficient stress was not laid, during the progress of the negotiation, upon the great advantages which had already actually resulted, and which, there was every reason to suppose, would speedily result from the successful operations already carried on by the British army; from the strong reinforcements with which it had been joined; from the circumstance of the cause for which they were fighting being the cause of the people of the country in which they were, on whose good-will and friendship, therefore, if not on their active co-operation and support, they might fairly reckon. He very properly and acutely, also, adverted to the unusual promptitude with which the French general Junot proposed the armistice, and the extreme eagerness he displayed during the negotiation, which discovered itself in his acceding, without demur or difficulty, to the construction, unfavourable to himself, which was put by sir Hew Dalrymple upon some articles, which certainly would have borne a different interpretation. There is however much solidity in these remarks; but do they

by not bear equally strongly upon the armistice? In procuring it, Junot discovered most plainly such a degree of eagerness and haste, as ought to have led to the suspicion, that the safety of his army depended upon its being immediately acceded to; and should have incited to inquiry, and suggested the propriety of avoiding precipitate measures.

As the earl of Moira was the only member of the board who differed from his colleagues respecting the armistice, he considered himself bound to enter his reasons for disapproving of it, at some length. His statement certainly does him great honour, not more on account of the military skill, clear and sound judgement, and acute and comprehensive views, which every part of it exhibits, than for the manner in which it is drawn up; candid towards those whose measures he feels himself obliged to condemn; simple and manly in the avowal of his own opinions, and supporting those opinions on every point, by plain and convincing arguments and illustrations. For these reasons, and as it contains in a condensed and connected form almost every thing that can be urged against the armistice and convention, we shall lay the substance of it before our readers.

He begins by objecting to the armistice, as involving, and, in fact, establishing the whole principle of the convention, and therefore as not properly or justly to be considered separate from the latter. This certainly is placing the subject in a novel and striking point of view, by removing that misapprehension which the improper application of the term *armistice* had very generally created.

In reply to the remark that, if

the French had been pushed to extremity, they would have crossed the Tagus, and thus might have been enabled to protract the campaign in such a manner as to have defeated, in a great degree, the most important object which the British generals proposed,—sending succours into Spain; he observes that the French had that measure in their power before they were defeated. If, however, the situation in which Junot was placed, even before the battle of Vimeira, be considered in all its bearings; obliged continually to guard his army against the universal hostility of the enraged Portuguese, cut off from all hope of support, or even means of retreat in Andalusia, by the defeat of Dupont, and the existence of the victorious Spaniards in that quarter; there is nothing to warrant the conjecture that he would have attempted to carry the war into Alentejo. But there is no occasion to rest content with supposition or conjectures. The very first step which Junot took after his defeat at Vimeira, sufficiently indicates what he himself thought of his situation: immediately after that event he proposed the evacuation of Portugal. This proposal would not have come from such a man as the French general, unless he had been convinced, from a full view of his situation, that it not only was not in his power to make an effectual defence, but that he was even incapacitated from prolonging the contest, and thus taking the chance of accidents.

Although he had not brought out all his forces when he advanced to oppose the progress of the British, yet those who were left in Lisbon and the forts were not such as he could depend upon. The British had beaten his chosen troops; and even if he recruited his

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his army by drawing men from Lisbon and the forts, he could not thus expect either to reanimate his men, or add to the real strength of his army. He was cut off from all hope or chance of succour. He would soon have experienced the usual consequences of defeat, both among his own troops and from the Portuguese. The British generals, on the contrary, were certain of a speedy reinforcement of upwards of 10,000 men, without putting the smallest stress or value on the accession of Portuguese troops.

The convention, therefore, cannot be justified or defended, unless it can be shown that it provided for and secured all the objects for which the British army was sent into Portugal. It is taking a very partial and narrow view of the subject, to consider the expulsion of the French from Portugal, as the sole or the principal object of the expedition. It must ever be the object of contending armies, not merely to wrest the country which is the source of dispute from the possession of the other, but also to reduce the enemy to such a state as shall prevent him from speedily or easily regaining his strength. The delivery of Portugal might be effected too dearly; and it would have been so, if, to obtain it, we put the French in a situation to injure our cause, or the cause of our allies, to a greater degree than they could have done in Portugal. Wherever we oppose the French, our aim ought to be to destroy their resources, and thus to narrow their means of injuring us. In framing the convention, this seems to have been totally overlooked; it certainly was not adverted to, that the terms granted to Junot extricated his army from a state of great distress and difficulty, from which,

without our means, they could not have escaped, and brought it into a state of action and utility in a quarter from which we ought most carefully to have kept it away.

His lordship then argues on the supposition, that it was not in the power of the British army to reduce the enemy to unconditional submission: in such a case it ought to have been expressly stipulated that they were not to serve against this country, or its allies, for a specified time; or they should have been landed in a part of France, at such a distance from the peninsula as would have rendered it impossible for them (at least for a considerable length of time) to reinforce the armies destined to be employed against Spain: but above and before all things, the character of the British arms should have been preserved inviolate, with the most scrupulous jealousy and honour: it ought to have been sacrificed to no apprehension of danger or difficulty, to no considerations of prudence. If we wished to gain the confidence, and to fix the admiration and respect of the Spaniards; if it were an object of importance to invite the nations groaning under the yoke of France, to look up to this country as able and willing to cooperate in a prompt and effectual manner for their emancipation and independence,—we should never have permitted the idea to go forth into the world, that a superior British army, inspired by victory, surrounded by a friendly people, in the possession of all the means of support and reinforcement, sent for the express purpose not only of liberating the country of their ally from the presence and oppression of their common enemy, but also of depriving that enemy of every opportunity of future mischief, and on whom their

their own countrymen confidently depended, for the faithful and full performance of all these objects; that such an army, so constituted and situated, was obliged to grant to an inferior army, broken, dispirited, and weakened by defeat, without hope or prospect of succour or relief, terms, which too clearly and fatally evinced, that the victorious army was still apprehensive and afraid of the army which it had vanquished.

Sir Hew Dalrymple had urged, before the board, that the convention entered into in Egypt, on the 21st of March, 1801, was a parallel case. This the earl of Moira expressly denies. The sole object there was the evacuation of Egypt by the French; by accomplishing that, every thing desirable and necessary was accomplished, while, at the same time, no injury was done to the cause of our allies or ourselves, by conveying the French troops to Europe; whereas the operation of the convention of Cintra on the affairs of Spain, ought to have been deemed of primary importance.

Such are the leading topics insisted upon and illustrated in the record entered by the earl of Moira. That his opinion of the convention is correct and just, has been too fatally proved (if additional proof were necessary) by the events which have subsequently taken place in Spain. On this account, as well as because of the inherent disgrace of the convention, have we entered thus minutely on the subject. It is connected with many disastrous and melancholy events,

which it will be our painful duty to record in our present volume. The convention of Cintra will be found to have exerted its baneful influence over the fate of our allies; and, as if in just punishment of our folly in acceding to it, it may be traced in the inactivity, the retreat, and the losses of our army in Spain; of that army which was obliged to push its way slowly, amidst difficulty and distress, while the liberated army of Junot, which it had conquered, was safely restored to its country, and brought to oppose it again, refreshed and invigorated.

But we have been induced by another consideration, to record thus fully and circumstantially the proceedings of the board of inquiry. Had government instituted a court-martial, instead of a board of inquiry; or had this board boldly denounced the necessity of further investigation, so that the authors of that convention, which had "disappointed the hopes and expectations of the nation," should have been held up to public detestation, and brought to condign punishment, our country most probably would not now have to lament the loss of national honour, and the waste of blood and treasure which the expedition to Walcheren has occasioned. But shall we be surprised at any failure arising from the misconduct or the incompetency of our generals, when we reflect that a slight mark of disgrace, affixed on the character of sir Hew Dalrymple, was the only atonement offered to the British nation for the convention of Cintra?

CHAPTER VII.

General Remarks on the Character of the Session of Parliament—Interest excited among the People respecting their Proceedings—Observations on the State Papers laid before Parliament—Letters of Count Romanzoff and M. Champagny—of the Emperor Alexander and Bonaparte—Mr. Canning's Reply—Observations on the Reports of the Commissioners of Military Inquiry—Summary of the Facts and Circumstances stated in their Report on the Office of Secretary at War—of those stated in their Report on West-India Abuses—Introductory Remarks to the Proceedings of Parliament respecting the Duke of York—Unpopularity of His Royal Highness—Substance of the Charges brought against him—First Charge, and Summary of the Evidence—Second Charge respecting Colonel French's Levy—Strong collateral and circumstantial Evidence in Support of it—Third Charge—Fourth Charge—Other Instances of Misconduct brought to Light during the Investigation—The Defence of the Duke conducted in an injudicious and prejudicial Manner—Different Degrees in which he was considered guilty by different Members of the House—Remarks on the Duke's Letter to the Speaker—on the Mode and Time of his Resignation—Concluding Remarks—On the Danger of employing Men not really responsible—On the Character of the British Nation as displayed during the Investigation.

THE proceedings of parliament this year call for a large share of our attention, and demand, by their importance and interest, particular observation and remark. For several years past, it must have been obvious to every impartial observer of the British nation, that they conceived themselves not very immediately or deeply concerned in the debates and proceedings of their representatives: whatever passed in parliament, unless an increase of taxes were the object of it, might indeed be read with a momentary attention and interest, but soon passed from their remembrance, as if there had been no common interest or connexion between them and their

representatives. It is foreign to our present subject, to investigate the causes which had produced this indifference and apathy, or to offer any conjecture respecting the effects, both on the nation at large and on their representatives, which it was most undoubtedly calculated to produce. We shall content ourselves with remarking, that it was no pleasing or encouraging symptom to those who remembered and venerated the genuine British character, or who were anxious to see preserved the purity and efficacy of a representative house of commons.

Perhaps the election of some members, whom, as avowedly belonging to no party, the people regarded

regarded as more strictly and properly their own, had no slight tendency to recall their attention and interest to the proceedings of parliament: they expected that these members would bring forward subjects, not of mere party dispute, but such as would concern and benefit the whole nation.

It would far exceed our limits to offer even general and brief observations on every topic of essential and permanent interest, which was brought before parliament during the session of 1809. We shall therefore confine ourselves to those of primary importance, referring our readers, for a connected view of the whole proceedings of both houses, to the usual department of our Register.

The subjects on which we mean to advert, naturally class themselves under three heads. In the first place, the state papers that were laid before parliament; of these, the correspondence with the Russian and French governments, relative to the overtures received last year from Erfurth, alone claim our notice and attention.

In the second place, the reports that were laid before the house of commons by the different committees appointed to examine and report upon public abuses and delinquencies: of these, the seventh and ninth reports of the commissioners of military inquiry, which respectively relate to abuses in the office of the secretary at war and in the West Indies, in a high degree deserve our consideration.

In the third place, we shall offer some remarks on the proceedings in the house of commons, relative to the duke of York; a subject of the highest interest and moment, not only in itself, but as having led the way to several other debates

and investigations, connected with it in principle, and scarcely inferior in importance: we refer more particularly to the abuse of East-India patronage; to the charges against lord Castlereagh, and to Mr. Curwen's bill for better securing the purity of parliament; Mr. Wardle's plan of œconomical reform; and the plan proposed by sir Francis Burdett for a reform in the representation of the public; the one incidentally, the other directly, flowing from the proceedings respecting the duke of York, claim also our attentive consideration.

On a perusal of the correspondence with the Russian and French governments, relative to the overtures for peace received from Erfurth, it is impossible not to be struck with the subserviency of the Russian emperor to the interests and schemes of Bonaparte. The sentiments contained in the letters from count Romanzoff the Russian minister breathe the same appearance of moderation and disinterestedness with respect to the wishes of his master, as Bonaparte so well knows how to assume, when he is anxious to disguise his real intentions and character, and to draw from the unreflecting and deceived multitude of France, praises on the peaceable nature of his disposition. Even the language in which he conveys the overtures of his master, savours strongly of the French school. In short, every passage contained in the letters of the Russian minister might, without fear of detection or misapprehension, have been received and acknowledged as conveying the sentiments of the French government, and as palpably and unequivocally conveyed in the style which it usually employs in diplomatic correspondence, if the letters

had not possessed the signature of count Romanzoff.

The first letter from the Russian minister is dated Erfurth, October the 21st. In this his excellency assures Mr. Canning, that no change of circumstance can possibly break or interrupt the union between the two empires of Russia and France. These sentiments, like their interests, correspond, whether peace or war be determined upon. Adverting to the letter from the emperor, which his own enclosed, he expresses the hopes entertained by his master, that his Britannic majesty will perceive the grandeur and sincerity of the step which the emperors have taken, in order to prove their anxious wish for the reestablishment of peace. In order that the English government might be blamed, as indisposed to amicable arrangements, if they refused to entertain the peaceable sentiments held forth by the two emperors, the count expressly declares, that their imperial majesties see no difficulty in adopting, as the basis of the proposed negotiation, all those formerly proposed by Great Britain, *viz.* the *uti possidetis*, and every other basis which should imply or rest upon that reciprocity and equality that ought always to prevail between great nations. Here we have a striking and indubitable example and proof of that adroitness, with which the French, in all ages, and in a more especial manner since the revolution, have removed the odium of protracted hostility from themselves, and fixed it on their rivals.

The letter of the two emperors is a still more refined specimen of French diplomatic finesse; although some may be of opinion that the regular and methodical

use of peaceful sentiments, and the strained breathings after that which they acknowledge all Europe needs and wishes for, is too barefaced to deceive those who reflect that they proceed from two men, one of whom has been nurtured in greatness and power by a continued state of warfare, to which, by his habits, not less than by his natural disposition, he is incessantly borne forward; and that the other, while professing an anxious wish for peace, has sold himself to the ruling cause and prime mover of war.

Can any assertion be more palpably erroneous than that which attributes the changes which have taken place in Europe, and the overthrowing of its states, to the agitation and misery in which the stagnation of maritime commerce has placed the greatest nations? In whatever sense the phrase, maritime commerce, be taken, it can in no respect, either directly or indirectly, either by itself or connected with other causes, be regarded as the source from which the slavery and wretchedness of Europe have proceeded. Could not the emperors of Russia and of France have discovered some more natural cause of the misery which they deplore? Does the latter deem himself entirely guiltless of it, when he brings back to his memory and his conscience the transactions in which he has been engaged for these last ten years? Had he not been born, or had he been born with that love of peace which he pretends to possess, does he actually think that the states of Europe would have been overthrown, and her people steeped in slavery and wretchedness?

To the vague expressions of a desire for peace, mixed up with no indirect insinuation, that his Britannic

the Britannic majesty was deaf to voice of humanity, and listened only to that of the passions, Mr. Canning replied in a manner, at once dignified and open,—in a manner, which evinced a sincere disposition on the part of his master to accede to terms of peace, while it was very properly far removed from that overstrained anxiety for it, which proved either insincerity, weakness, or meanness.

He at once declares, in the most explicit and positive terms, that unless France acknowledges the government of Spain as party to the negotiation, he cannot, consistently with his own honour, with the faith of treaties, or with those principles of liberty and independence which must always unite the British nation more firmly than any treaties can possibly do, with a people struggling for their independence and the government of their ancestors, and of their own choice, listen to any pacific overtures. That his Russian majesty intended to include Spain as the ally of Great Britain in the proffered negotiation, his majesty cannot entertain the most slight or distant doubt, when he calls to mind the lively interest which his imperial majesty has always expressed for the dignity and welfare of the Spanish monarchy; that he must view with indignation, as repugnant to his sense and justice, and to his principles of national independence, the usurpations begun and carried on in that kingdom, his Britannic majesty must believe, since the emperor could never sanction, by his concurrence or approbation, a mode of conduct which directly tends to the overthrow of all legitimate government.

In reply to this letter, and to an official note of Mr. Canning's, in

which that gentleman, with perhaps too much of his characteristic sarcasm, scarcely hides his satisfaction at the calamitous effects acknowledged by the emperors to have been produced by the anti-commercial system of Bonaparte,—count Romanzoff enters at large into the question respecting the admission to the congress for peace, of plenipotentiaries from Spain; and in this place it is impossible not to perceive how subservient his imperial majesty is to the designs of Bonaparte, and yet how unwilling he is to examine into the justice of those designs, or into their connexion or coincidence with the interests of himself and his empire. He repeats that he is united to the emperor of the French for peace as well as for war; and declares, that by his having already acknowledged Joseph Napoleon king of Spain, he is debarred from admitting to the congress those whom he calls the plenipotentiaries of the Spanish insurgents, even had he been disposed, as he is not, to assent to the principle on which his Britannic majesty contended for their admission. Though the language of Mr. Canning's letter and official note was so very strong and definite, that it could not possibly have been misunderstood; and, if understood, must have spoken plainly the determination of his Britannic majesty to consider himself bound by a more solemn and higher obligation than a mere positive engagement to the cause and interests of the Spanish nation; yet the Russian minister, in his reply, affects to see with pleasure, that, as there was no express engagement with Spain, there could be no obstacle, either to prevent or delay the opening of a congress.

In the official note of M. Cham-

pagny, the French minister for foreign affairs, the wounded pride and ambition of his master breaks through the usual mild and peaceable tone of French diplomatic correspondence. In the former letters, Bonaparte had declared himself anxious to put an end to the horrors of war; and had ascribed the misery and desolation of Europe to the stagnation of maritime commerce. In this note his language is entirely changed; he is affronted, that it should have been supposed possible, that the misery which he acknowledges to exist, had weakened his ability to carry on the war, and that his desire for peace could have originated from any other source, but that principle of moderation, which is the true characteristic of power and real greatness. Respecting the admission of the Spanish plenipotentiaries, he feels so indignant, that his true greatness forsakes him; he cannot reason; he bitterly asks, What would the English government have said, had it been proposed to them to admit the catholic insurgents of Ireland? His close and irrevocable union with Russia is held forth, as calculated to preclude England from any chance of again rousing the powers of the continent, or contending there with the armies of France.

The correspondence terminated with a reply from Mr. Canning to count Romanzoff, and another to M. Champagny. In the former, his Britannic majesty expresses his astonishment and regret, that he should have been expected to join in a negotiation for peace, by the previous abandonment of his allies the Spaniards, and the sacrifice of his own honour and that of his people. His majesty is at a loss to conceive by what arguments or

considerations, or upon what principles of interest, duty, or policy, the emperor of Russia has been led to sanction and approve of the unprovoked and unjust attack made by the government of France upon the sovereignty of Spain. If his imperial majesty is determined to carry his union with France, so far as to establish by war, and maintain in peace, the right of that government to trample under foot the most sacred and inviolable rights of mankind, by the deposition and imprisonment of friendly sovereigns, and the forcible transference to herself of the allegiance of loyal and independent nations, his majesty must lament such a determination; but he cannot upbraid himself with protracting the period of peace, if peace could be obtained, only by the sacrifice of justice and of honour.

In the short reply to M. Champagny, Mr. Canning contents himself with expressing his majesty's firm determination not to abandon the cause of the Spanish nation, and of the legitimate monarchy of Spain. Did he accede to the proposals of France, to exclude from the negotiation the plenipotentiaries sent by the provisional government, acting in the name and under the authority of Ferdinand the Seventh, he should be virtually acquiescing in an usurpation unparalleled in the history of mankind.

Although the reports of the commissioners of military inquiry have neither appeared so frequently, attracted so much attention, nor been productive of such beneficial effects, as was expected by many people, yet they have a strong claim on our deep consideration. The benefits they may produce, and which they would necessarily produce, if they were properly taken

ken up by some leading and independent members of parliament, appear to have been in a great measure misunderstood. The nation should look to them, not principally as pointing out those defaulters from whom the courts of law may force part of their ill-gotten plunder, and on whom the brand of public indignation may be seared;—these are comparatively objects of little moment:—if the reports effect only this, they will scarcely repay the expense attending them. If properly drawn up, —if founded upon a minute and full acquaintance with the different subjects to which they relate, they must be of infinite service in unmasking all the tricks of peculators, in tracing the ease, secrecy and safety with which they have gone on, from year to year, accumulating their unjust gains, up to some specific abuse, misarrangement, or defect in the different departments of government.—They will enable the ministry, if they are so induced, to new model them, they will make the detection of abuses and speculation more easy in time to come, and thus necessarily, by diminishing the probability of secrecy or escape, lessen the number of public defaulters.

Of the reports which have been made by the commissioners of military inquiry, there are, of course, some much more interesting and important than others. The seventh, which relates to the office of the secretary at war, may justly be deemed worthy our particular attention. From this report it appears, that so far back as 1796 an office unsanctioned by parliament, and unknown to the legislature, was added to the regular war department, for the purpose of inspecting and regulating the ac-

counts of foreign corps in the British service. This department was continued, at a considerable expense, till the peace of 1802, when it was suppressed.

When the present war commenced, it was re-established; and it was then expressly stated, that the business transacted by it bore the same relation to the foreign corps, as that which is transacted in the war office bears to British corps. We shall not here stop to inveigh against this clandestine, illegal, and unnecessary establishment of two war offices and two war secretaries, nor against the consequent expense incurred by the nation. These are comparatively trifling evils: but it unfortunately happens, that offices, which are established where there is no necessity for them, and which are not under the direct and immediate eye and sanction of the constitution, are not only too generally filled by persons indisposed or incompetent to discharge their duties, but by persons who are not deterred by principles of public honour, and a sense of public duty and responsibility, from committing those acts of speculation and fraud, to which the unacknowledged and clandestine nature of their employment offers so many temptations and opportunities.

Although an office so appointed ought to have been guarded most strictly and scrupulously against every abuse in the expenditure of the public money which passed through it, yet it appears that the person who was at the head of the department, while abroad as the agent for foreign corps, did not send home any estimate to justify his bills, nor ever state the balances which he held in his hands. In short, “those checks and precau-

tions, which are usually adopted in the cases of officers intrusted with such large powers of money transactions, were not observed in his case." The culpable negligence displayed in this loose mode of carrying on the public business, will, perhaps, make its due impression, when it is stated, that between August 1794 and September 1796 the inspector-general of foreign corps drew sums to the amount of 461,139*l*.

The auditing of these accounts bore the same unauthorized and slovenly character as the whole establishment of the office exhibited. A person, who held no situation whatever in any branch of the war office, to whom no powers or instructions were regularly or officially given, but merely verbal authority from Mr. Windham, at that time secretary of state for the war department, compared the vouchers with the expenditure of the agent's accounts; and the certificate of this person, thus irregularly appointed, uninstructed in the duties of his situation, and having executed these duties in this most inaccurate and unsatisfactory manner, was the foundation of all the agent's final discharges. What justice was done to the public by this mode of auditing may be inferred from the circumstance, that when, after two years resistance, the agent was obliged to reproduce his accounts, it appeared that credit was taken for the sterling amount of bills negotiated against foreign bills, and that neither the mode nor the rate at which that foreign coin was obtained or expended, can be ascertained by the discharge which the agent received from the secretary at war.

Many other instances of gross misconduct, to use the mildest term,

are laid open in this report of the commissioners of military inquiry. Through the hands of one man, an army agent for foreign corps, there passed, in the course of seven years, the sum of 1,524,630*l*. When he resigned his situation, he was allowed to retain five-sixths of the balance of public money; and when called upon to produce his documents, he replied, that numerous payments were made by him under either *verbal* or *implied* authorities from the war office, for many of which irregular payments he afterwards received *covering* letters from the same office. Another agent was permitted to keep an untouched balance of 4000*l*. for years unmentioned, though, at the beginning of every quarter, he was delivering in estimates, upon which additional sums were issued.

The committee conclude their report, with strongly recommending and enforcing the discontinuance of the foreign department in the war-office, and with suggesting the necessity of a number of prospective regulations. These are judicious, and probably would be effectual, at least in a great degree, to prevent future irregularities and waste of the public money: but who will step forward and see that they are acted upon in their full and strict meaning and force?—who will, from time to time, examine whether any negligence or abuse has crept in among them?—who, in short, will exert the same active, keen-eyed, and sleepless zeal and attention in watching the public interest and welfare, which he would cheerfully and unweariedly manifest, if his own were in question?

The melancholy truth of these observations is too fully and fatally illustrated and confirmed by the disclosures which are made in the
ninth

ninth report of the commissioners of military inquiry. From this report it appears, that in consequence of the indubitable and confessed insufficiency of the auditors of public accounts in the year 1800, a commission was appointed to inquire into abuses practised in the West Indies. So far back as the year 1791, a regular and unchecked system of peculation, carried on in the most unblushing manner, is stated to have been established. So incapable was the commission, or so dilatory and negligent in keeping pace with the public defaulters, by examining and checking their accounts, that in the space of nine years, from 1791 to 1800, only a few thousands were wrested from the peculators, and restored to the public. When we reflect on the expense incurred by the maintenance of the commission, and on the little real benefit it appears to have been of to the nation, we must be convinced that the latter bears a very trifling proportion to the former.

When this commission was appointed in 1800, it was expressly declared that the principal reason for transferring the examination of West-India accounts from the audit-office to them, was the necessity of inquiry and investigation on the spot, which the auditors were unable to effect. It was also declared to be temporary, and directed to a specific object: yet notwithstanding the avowal of these plain grounds for its original establishment, another commission, of much greater extent, and attended with much greater expense, has been formed, the greater part of which, with a large establishment, is fixed in London; and appears, from the report of the military commissioners, to have no other employment than that of receiving, and trans-

mitting to the lords of the treasury, the reports which they receive from their colleagues in the West Indies. Either there is employment in the West Indies for this newly appointed and enlarged board, or there is not:—if there is, does not this single fact point out in a manner too clear to be overlooked, and too direct to be denied, that the former commission has either been remiss and indolent in the discharge of their duty, or that the improper and inadequate arrangement and management of affairs in the West Indies, which gave birth to the former peculations, have not been effectually altered, even after the evils consequent upon it were brought before the notice of government?—If there is not employment for this commission, why is it continued?—As the whole of the ninth report of the commissioners of military inquiry refers to the acts of the first commission, we are almost driven to the necessity of supposing that the latter supposition is correct, and that the nation is *still* to reap the benefits arising from the research and labour of a commission which burthens them with an annual expense of 13,000*l*.

If proof were wanting of the insufficiency and delusion of a commission so constituted, it may be had by consulting the official return made to parliament of the arrears of public accounts: from this it appears that the unexamined accounts for expenditure in St. Domingo alone, before the West India commissioners, reach the enormous amount of seven millions seven hundred thousand pounds!—and that this sum was expended in less than four years, on a few spots in an island in ruins, under circumstances of a very suspicious nature, fourteen years ago. It may well be ques-

questioned, whether the nation has most reason to complain and be indignant at the abuse and waste of the public money, or at the mockery of such a commission.

Having offered these observations, and stated these facts, respecting the West-India commissioners, as they were suggested, or are brought to light in the ninth report, we shall now briefly advert to some of the frauds which form the more immediate subject of that report.

In the year 1791, a deputy paymaster-general was appointed for the West Indies, with express orders to proceed thither, and with clear, positive, and well defined directions in what manner to execute the duties of his office. These directions he scarcely in one single instance fulfilled: instead of acting himself, he appointed, as his deputies, a succession of persons, who derived gain from the public money in every possible way; of which gain the paymaster-general received the moiety, at one time secured to him by a regular indenture. Public bills, to the amount of about 165,000*l.*, were remitted by those who acted for the paymaster, either for the purpose of supplying funds for mercantile pursuits, for drawing private bills with advantage, or for speculations of some other nature; and the loss upon these bills so remitted for private use, was uniformly charged to the public.

The commissariat department does not seem to have yielded to the preceding, in the extent or systematic nature of its peculations. The agents of the commissary-general were proved to have been in the habit of applying to the merchants, to grant them receipts to vouchers for articles which they had never supplied. By one trans-

action, in which the age and quality of the rum bought for the use of the troops, as well as the real price of it, and the names of the persons who actually sold it, are different from what the vouchers represent, the public are stated, in the report, to have been defrauded of nearly 10,000*l.*; and yet, in this and similar transactions, "the vouchers appear to have gone through the form of a certificate signed by the commissary of accounts."

The following summary of the conduct of Valentine Jones, the commissary-general, is given in one of the reports of the West-India commissioners; and with it we shall conclude this most dishonourable and provoking display of public peculation.

"It appears therefore to us, that Valentine Jones very early framed and established, by means of combinations and intricacies almost impervious, an overruling and highly injurious influence over the whole transactions of the public, connected with the pay and the enormous extraordinaries of the army in this part of the world. This influence was disseminated in various directions through every branch of the department, and embraced persons of even the lowest description employed therein; and this influence, matured into a far-extended system, produced an immediate loss and injury almost incalculable; and its remote consequences have been little less prejudicial by furnishing examples and precedents, that are to be clearly traced since that period, in nearly all transactions of a similar description."

In adverting to the charges which were brought against his royal highness the duke of York,

as commander-in-chief, by colonel Wardle in the house of commons; the various extensive and complicated evidence, direct, circumstantial, and incidental, by which those charges were supported; the principle and nature of the defence which was offered for his royal highness;—the different degrees in which, by different parties in the house, he was deemed guilty;—the conduct of the accused himself in this delicate and difficult situation; and the issue of the whole proceedings; with the means by which it was brought about, we must necessarily be very brief, contenting ourselves with referring our readers, for a minute and full view of this interesting and deeply important subject, in all its relations and bearings, to our parliamentary debates. And while we are thus taking a rapid and brief view of the several topics we have just enumerated, we shall offer such observations as the subject calls forth and demands.

If we consult the history of our country, we shall, perhaps, not meet with more than one case exactly similar to that of the accusation of the duke of York. Since the time of Richard the Second, the unfortunate James is the only British prince who has stood in a similar predicament. The novelty, therefore, independently of other considerations, was a sufficient reason for the uncommon interest which was excited, and kept alive during the whole progress of the investigation, among all ranks and classes of the British nation. But there were other reasons of a powerful nature, which added in no inconsiderable degree to the interest which was deeply felt and loudly expressed on this occasion. The duke of York was by no means po-

pular. The unfortunate issue of the expeditions to Flanders and Holland, of which he was deemed the chief cause, had prepossessed the public mind against him. His having totally escaped, without any inquiry into his conduct on these expeditions, had irritated a great majority of the nation, and disposed them to regard his public conduct with a very jealous and suspicious eye. It seemed as if these feelings towards him had almost worn out; but in reality they were only suspended; and the injudicious attempt which he was understood to have made, to force himself into the chief command of the troops destined to assist the Spanish patriots, against the wishes of the nation, brought to life the dormant and deeply rooted dislike in which he was held. Had he contented himself with the discharge of his duties as commander-in-chief, the thought of him would, perhaps, never have crossed the public mind, attended with any feeling of distrust or dislike, unless when the apprehension of invasion, and the anticipated picture of what the troops, and consequently the nation, would be exposed to, if on him the defence of the country rested, entered the mind at the same time.

The charge against the duke of York as commander-in-chief, stripped of its formal dress, and condensed within narrow limits, was, that, availing himself of his office, he, *knowingly*, permitted the woman, whom he kept as his mistress, to traffic in commissions in the army, and did himself participate in the emoluments which were derived from this scandalous, corrupt, and illegal traffic.—The evidence on which colonel Wardle endeavoured to support this most solemn and momentous charge, arose from the testimony

testimony of the principal agent in these transactions, filled up where it was defective, and corroborated where it was weak, by the testimony of those to whom she had disposed of the commissions, or by whose means the traffic was carried on; and by letters which she retained in her possession.

The first charge related to an exchange, which Mrs. Clarke, the mistress of the duke of York in question, had undertaken to negotiate between colonels Brooke and Knight: for the exertion of her influence in this case, she received two hundred pounds. In support of this charge, Mrs. Clarke is the principal evidence:—that the money was received with the knowledge of his royal highness there is no direct and positive proof: her statement merely goes to establish the fact, that one of the notes received by her, on this occasion, was sent out to be changed, and the change brought back in his presence.

The second charge related to a levy of men, which colonel French was desirous of obtaining permission to raise. On the grant of the levy, Mrs. Clarke was to receive 500*l.*, and 1,500*l.* in the course of its progress. The first-mentioned sum Mrs. Clarke asserted she paid in part for a service of plate, and that the duke paid the balance; the latter part of this assertion was corroborated by undoubted testimony. Soon after she had undertaken to obtain permission for colonel French to raise the levy of men, she applied to the duke, stating to him the pecuniary reward; and the duke, according to her testimony, promised that permission should be granted. During the investigation of this charge, a circumstance came out in evidence, which pointed out

the care which had been taken to give a colour of order and regularity to these corrupt and illegal transactions, and the consequent difficulty of detecting them. Although the duke undertook, at the request of Mrs. Clarke, to issue permission to colonel French to raise the levy of men, yet she was desired to inform him, that application must be made to the war-office in the *regular* way. Accordingly regular proposals were given in. After a good deal of negotiating and bargaining respecting the terms of the levy with general Hewitt, the inspector-general of recruits, and Mr. Bragge, the secretary at war, the latter of whom desired, that each recruit should be paid the full bounty officially allowed, it was at last settled, that the recruits were only to sign a certificate of having received the sum promised them.

Every thing connected with this levy wears a most disgraceful appearance. Although very unusual and improper indulgences were granted to colonel French, yet he was not contented with them; but, apparently trusting to the high protection he had purchased and secured, he broke through all the usual regulations, and compelled the deputy inspector of recruits in Ireland, whither he had gone for the purpose of raising his men, officially to bring forward very serious accusations against him. Although these accusations came officially from an officer of high military honour, and whose conduct, as inspector of recruits, had the unqualified approbation of lord Cathcart, the commander-in-chief in Ireland, yet he is merely answered with cold and restrained praise for the honesty of his motives, while he is pointedly and strongly con-

condemned for the injustice of his behaviour towards colonel French. That this person had been very remiss in fulfilling the terms of his levy, is further proved by a letter written to him by general Whitelocke, who was then inspector-general of recruits, urging him to increased exertion in completing the number of his men. Still colonel French was disregarding of these complaints and injunctions; for, six weeks after general Whitelocke had written to him, the increase of his levy consisted only of 35 serjeants, and of not one private man. By the letter of service granted to colonel French, his levy was to have raised 5000 men in 13 months, and it produced only 219 in 12 months. At length the duke of York, having received from different quarters the most urgent and pointed animadversions on colonel French's behaviour;—the great expense incurred by the subsistence of such a disproportioned number of officers and non-commissioned officers;—and the disgraceful conduct of the latter, thought proper to convey, certainly not in the terms or manner which his whole conduct deserved, his majesty's commands to the colonel to discontinue the levy.

Here is certainly very extraordinary conduct on the part of his royal highness, as commander-in-chief. An officer is permitted to go on, for upwards of 12 months, breaking through the terms of his levy, greatly to his own advantage; to the great loss, and at the expense of the public, and yet no notice is taken of him; nay, even when formal complaints are lodged against him, they are not only disregarded, but the authors of them are censured as unjust and premature in the judgement they had

formed. How shall we satisfactorily account for colonel French having dared to go on so long in this improper manner, breaking through engagements formerly entered into, and contravening every principle of military subordination and order? If, along with this behaviour of colonel French, we consider the lenient and patient disposition of the commander-in-chief towards him, we shall find the case still more extraordinary, and such as necessarily provokes us, in searching for its cause, to fix on one not very favourable or honourable to the duke. Nothing could have been inferred from the sole and unconnected circumstance of colonel French's improper behaviour in the case of the levy, except that he thought himself secure in high and powerful protection: but when the duke's conduct is taken also into the account; when from it we clearly perceive, that colonel French did not reckon upon more favour or protection than he actually enjoyed; and that this favour and protection were extended and continued to him, even after his proceedings were notoriously irregular, and subversive of all principles of honour, and in reality having, for their exclusive object, the plunder of the public;—the only rational and satisfactory solution to these strange circumstances, is to be found in the facts stated by Mrs. Clarke, that *she* was interested in the prolongation of the levy, and that the duke knew she was interested.

This charge, however, does not rest entirely on Mrs. Clarke's testimony, corroborated as it is by the circumstantial evidence which we have just detailed. Two other witnesses, Miss Taylor and Mr. Dowler, supported it. The former deposed,

posed, that she was present with the duke and Mrs. Clarke, when the duke spoke to that lady in such a manner, about col. French, as leaves no doubt that he was acquainted with the negotiation respecting the levy; and that when the duke understood from Mrs. Clarke, that the colonel did not *behave* well to her, he threatened to cut him up and his levy too, if he did not mind what he was about. Even allowing that these expressions, though taken in connexion with, and illustrated by, the previous part of the conversation, do not amount to a full and unequivocal proof that the duke knew and connived at the pecuniary negotiation which had been entered into by colonel French and Mrs. Clarke, they at least demonstrate, that he talked to her about official matters, and that good or ill behaviour towards his favourite (whatever that meant) would be rewarded or punished by him, in his capacity and character of commander-in-chief. Mr. Dowler, who was much in the confidence of Mrs. Clarke, deposed that he frequently remonstrated with her on the incautious manner in which she was in the habit of proceeding in her negotiations for military commissions; and that he endeavoured to convince her that, both for her own sake, and out of regard to the character of his royal highness, she ought not to be so very careless and unguarded. According to his evidence, he was present when the 500*l.* was paid, as the price of the issue of colonel French's letter of service; and when many direct and open conversations passed between Mrs. Clarke, the colonel, and captain Sandon, (a sub-agent in the business,) in which the latter pressed Mrs. Clarke to obtain permission to enlist a

greater proportion of boys, and other indulgences, than were usually granted.

The third charge related to a major Tonyn, for whom, on the payment of 500*l.*, Mrs. Clarke had obtained a majority. When this charge was first brought forward by colonel Wardle, it rested solely on the evidence of Mrs. Clarke. In the course of the proceedings, however, a note was reluctantly forced from captain Sandon, which after having been carefully examined by those who were well acquainted with the duke's handwriting, and compared, by persons experienced in the detection of forgeries, with letters admitted to have been written by his royal highness, was positively declared by many of the members of the house of commons, and tacitly received by the majority, as genuine. This note, so unexpectedly brought to light, reconciled many parts of Mrs. Clarke's evidence, which, before its production, appeared false or improbable, and gave to the whole of it a stronger claim upon the attention and belief of the house.

The last charge brought forward by colonel Wardle related to the appointment of a major Shaw to the situation of barrack-master at the Cape of Good Hope. Mrs. Clarke was here the principal and almost the only direct evidence;—but in the course of the investigation, much circumstantial and presumptive evidence was brought forward, which carried great weight, as it came out unexpectedly, and frequently by means of those very questions and cross-examinations which the advocates of his royal highness hoped would prove the falsity of what Mrs. Clarke had advanced. A letter
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from major Shaw was also produced, in which that gentleman's belief, that he was indebted for his situation to the influence of Mrs. Clarke, and to no other cause or person, was unequivocally and strongly expressed.

During the examination of these charges, many facts came to the knowledge of the house, all of which proved, that Mrs. Clarke was conceived to have influence, and to have exerted that influence frequently with complete effect, with the duke of York, even where the claims of long and meritorious service, and the interference of persons of high rank, had proved of no avail ;—that the belief of her influence was so deeply rooted, and rested, in the minds of the persons who entertained it, on what they were convinced was such clear and indubitable proof, that they did not hesitate to advance her large sums, on her sole promise that she would exert it ; and to bind themselves to the payment of additional sums when they had obtained their object ;—that when they did succeed, they never entertained the smallest doubt that their success was owing to the influence and interference of Mrs. Clarke with the commander-in-chief. Some of these cases could not be traced so completely through all the stages of their progress, as to bring the same conviction to the minds of the house, as the persons themselves experienced ; but others sprang up during the investigation of the four grand charges, which were deficient in none of the links of proof. It even appeared that the credit of Mrs. Clarke for successful interference with the duke of York was so generally established, that she was solicited to exert it beyond the line of military pro-

motion ; even within the hallowed precincts of the church.

Those who undertook to defend his royal highness against the charges brought against him, supported as they were by the evidence of which we have given a very brief and necessarily imperfect summary, found themselves involved in a very difficult task. It would have required a full and accurate acquaintance with the truth, as far as the duke could put them in possession of it ; so that, by not endeavouring to extricate him completely from every shade of culpability, they might not be led to injure the cause they were anxious to defend. There is strong reason to suppose, that they were not put in possession of the truth ;—that his royal highness led his advocates to believe, or at least to infer, that in no instance had he ever conversed with Mrs. Clarke on the subject of military commissions. Unless we suppose this, we are necessitated to pronounce, that the whole proceedings of his advocates during every stage of the investigation, in the high tone they assumed, when the charges were first brought forward ;—in the anxiety they expressed to lay before the house all the evidence that notes and letters could furnish ;—in their unfortunately giving countenance to witnesses, who, by their very attempts to prove the falsity of Mrs. Clarke's testimony, not only corroborated it, but adduced fresh instances and proofs of the duke's misconduct ; in their attempts to draw aside the attention of the house from the real subject before it, to the remembrance and consideration of the duke's merit as commander-in-chief ;—and in the steps, which, it is fair to presume, he undertook

at their suggestion and by their advice, were in the highest degree injudicious; and did, perhaps, more injury to the cause of their client, than the malice of Mrs. Clarke and the unwearied researches of colonel Wardle could, unaided by their mode of defending him, have inflicted.

Many imputations were cast on the credibility of Mrs. Clarke's evidence. These were grounded on her general character;—on the inconsistencies and contradictions of which she was guilty; and on the improbability of the circumstances which she stated. Her character, no doubt, was bad; but more stress, perhaps, was laid on this consideration than there ought to have been. When it was connected, indeed, with the motives which were reasonably supposed to have induced her to appear in evidence against the duke, it deserved, and received, its just weight against the credibility of her evidence. Had she palpably and materially contradicted herself in the facts she stated; or had she not been borne out by the letters which were produced; her character would have detracted very considerably from the truth of what she alleged. It therefore appeared necessary that the advocates of his royal highness should trace the proofs of her character, which they held forth as unworthy of credit, in the contradictions and inconsistencies of her evidence. On this point, accordingly, they exerted all their acuteness, watchfulness, and zeal. During the course of a long and complicated examination respecting facts and circumstances, many of which had been long gone by; conducted in a manner which would have puzzled and embarrassed the most cautious

and experienced witness; the only inconsistencies and contradictions which could be fixed upon her, related to matters either wholly irrelevant, or very slightly and distantly connected with the matter in question. It was alleged, that, as she was not on oath, her assertions were not worthy of credit; but it ought to be recollected, that from such a woman, not put on her guard by the solemnity of an oath, and by the gravity, decorum, and formality which a court of justice never suffers to be infringed, but which in the house of commons was not always very strictly preserved, very palpable and material inconsistencies and contradictions must either have proceeded, or been drawn by the cross-examinations of men so deeply skilled in the profession of the law, as most of the duke's advocates were. It would not be easy to assign any cause for the connexion, completeness, and consistency of her evidence, considered as a whole, so obvious, natural, and satisfactory, as the truth of the circumstances which she brought forward.

By many members of the house, however, the duke was acquitted of the most grave and serious accusation. It did not appear to them, that the evidence went so far as to fix upon his royal highness the charge of corruption. They did not believe that he participated, even indirectly, in the gains of the traffic which Mrs. Clarke carried on, or that he yielded to her influence in the recommendation and disposal of military commissions, for the purpose of saving part of the expense of her establishment. On this point, the injudicious zeal of the duke's defenders did him much harm. Mrs. Clarke had alleged that she was under the necessity

cessity of raising money by the disposal of commissions, in order that she might make up for the small allowance paid her by the duke. The chancellor of the exchequer triumphantly brought forward proofs, that the sum allowed her was by no means small; but as this sum was expressly paid for the maintenance of only part of her establishment; and as the whole of it, with such a woman, must have been expensive in the same proportion, it seemed hardly possible, that the duke who paid this sum, and knew the purposes for which it was intended, should have been ignorant of the whole annual expense at which she lived, and of the inadequacy of the means with which he supplied her to defray that expense.

There were other members in the house, who, willing to acquit the duke not only of all participation in the profits, but even of all direct knowledge of the proceedings of Mrs. Clarke, still were disposed to maintain, that on account of his negligence and inattention, in permitting Mrs. Clarke to appear to have improper influence over him; the consequent illegal traffic which had been introduced into the army; and the necessity that the person who held the situation of commander-in-chief should perform its high duties, free, if possible, from the taint of suspicion,—he ought to resign; and that the house, by a solemn vote, should express their opinion to that purpose.

We have already adverted to the step which the duke of York took pending the investigation, and characterized it as equally injudicious and hurtful to his cause, as the mode pursued by his defenders. Setting aside the objections to the

letter which he addressed to the speaker of the house of commons on the ground of its being informal and contrary to the usages of parliament, it was extremely ill-advised, and ill-timed. Had he come boldly forward when the charges were first advanced, and demanded to be tried, in order that his innocence, if proved, might have been established solely by those means to which every other accused person must have recourse;—this challenging of inquiry would have broken his fall, if he had not succeeded in his exculpation, and removed that strong suspicion of his guilt which arose from the unusual modes that were employed for his defence. The friends who advised him to this step ought to have known, that the nation regarded the trial of the duke of York as a matter of the highest moment, not so much on account of the charges brought against him, as from their anxiety to ascertain whether the constitution still retained its original purity and strength;—whether the accused, in this instance, would be permitted to derive any benefit and indulgence from his rank and power; or whether the same justice, administered in the same manner, would be meted out to him, as, under similar circumstances, would have been meted to the humblest of his majesty's subjects. They were therefore grieved to see that the duke of York had been advised to oppose his honour to the evidence brought against him; they could hardly persuade themselves that he would have offered this, his bare word, unless his advisers believed it more worthy of credit than the bare word of any other accused person, and expected that it would have more weight with the house of commons.

The manner in which his royal highness announced his resignation of the office of commander-in-chief, may perhaps also be objected to, as indirect and unfair. Having been acquitted by the majority of the house of commons, and therefore being able to retire with his innocence established, he has received his majesty's permission to resign his situation. But this mode of resigning necessarily resulted from the manner in which he had been defended by his friends, and from the tone he had assumed in his letter to the speaker. It could hardly be expected that he should have ascribed his resignation to the real cause;—to the strong and universal opinion entertained by the nation, in direct opposition to the opinion expressed by the votes of a majority of their representatives. After having struggled so long against the wish of the people, he could not but yield to it, with a bad grace, and in an embarrassed manner.

A review of all the circumstances attending this very important transaction, necessarily gives rise to various reflections of a general nature.

In the first place it may well be questioned, whether, if every thing be taken into consideration, persons of such high rank as the duke of York ought to be placed in situations of great responsibility. It may be unjust and harsh to preclude men, merely because they are of royal birth, from enjoying the honours and emoluments of the state; and injurious to the state, to deprive it of zeal and ability, when they happen to be found so allied. But the good of the state seems to require it. By the spirit and letter of our constitution, indeed, the king's sons, or brothers, are equally responsible with any

other of his subjects: But is the responsibility real?—and if real, can it be carried into effect, in the usual course of law, by the accustomed instrumentality of the king's servants, and with as little reluctance and delay, as where the object is not distinguished by his relationship to royalty? It may indeed be urged, that the fate of the duke of York proves that responsibility is more than a name: but his case, instead of weakening our argument, or going against the practice we are recommending, makes strongly in our favour. The duke certainly suffered for his failure in the performance of his duty as commander-in-chief. But the usual course of justice was in his case subverted. The nation, and not the representatives of the nation, compelled him to resign: and it is because we do not wish again to see the nation acting, either contrary to its representatives or independently of them, that we would wish no person to fill a situation, whom the usual course and the proper ministers of justice could not easily, and would not readily, remove, if he failed in the performance of his duty. There have been so many instances, of late, in which the responsibility declared by our constitution to exist, has been either entirely set aside or reduced to a mere name, by the ministerial power, or connexion of the persons who should have been called to account, that the possession of still higher power or connexion should exclude the person, to whose lot it falls, from every situation of high duty and deep responsibility. We acknowledge that the measure we recommend must operate in a hard and harsh manner to individuals: but the good of the nation demands it, and will continue to demand

mand it, till the virtue of public men shall be so firm and courageous, as to make the son of a king as actually responsible for his misdeeds, as the most lowly and unprotected subject.

In the second place, the interest which the whole nation took in the proceedings relative to the duke of York, is a very pleasing and satisfactory proof of that persuasion which every Briton feels, that he is personally concerned in whatever concerns the purity of the constitution and the well-being of the state. Trusting, as we do, that no instance will occur hereafter, in which it will be necessary for the people to express their conviction and their expectations, so strongly and unequivocally as they did during the progress of the investigation, we are nevertheless proud and rejoiced, that when the occasion and necessity did occur, they were not tame and acquiescent;—that they did not look upon the charges and the conduct of the house of commons as foreign to themselves, but stepped forward to state their opinion in a manner which plainly declared that they knew and felt it to be their right, not less than their interest, to avow their opinion; and that they expected, by making known that opinion in a firm but temperate manner, it would be attended to and respected.

While this feeling continues to exist and to operate; while Britons believe and experience that their individual interest is connected with the national interest; and that whatever reflects disgrace and dishonour upon their country affects themselves,—there is little danger either of domestic or foreign slavery. In no trait of character, perhaps, is there a greater distinction between the inhabitants of these

islands, and the people of the continent, than in the degree, intensity and pervading influence with which this feeling exists and operates. The inhabitants of most of those countries which have been overrun and conquered by the French, looked upon the measures of their respective governments as totally without their province;—they were not identified with their country, beyond what the associations of childhood, the connexions of relationship and friendship, and local attachment produced. Their thoughts were not continually recalled to the seat of government; canvassing the justice and propriety of its measures, and tracing them till they perceived how they were likely to operate upon themselves as individuals, and upon the nation at large. They possessed not independence of character in so great a degree; they thought not of themselves sufficiently highly, to dare to deem themselves worthy of canvassing the laws which their rulers framed, or the manner in which they conducted the affairs of the nation, though every moment of their lives they experienced the good or bad effects of these laws and this conduct.

The interest which the British nation took in the proceedings relative to the duke of York; and the manner in which they discovered to their representatives and rulers that they felt this interest, and what their opinions were on the subject, are worthy of reflection in another point of view. Although it might have been wished that the house of commons had acted more completely as the organ of the people, and thus have become the means of the duke of York's resignation; yet it is consolatory to remark, that, while on the

one hand, the nation were not disposed to forgo its privilege of assembling for the purpose of declaring its sentiments on public affairs; his majesty's ministers, on the other hand, felt the prudence and propriety of yielding to the public voice; for the resignation of his royal highness, as has been already observed, may fairly be regarded as a measure undertaken by their advice.—When it is objected to them, that they opposed the voice of the nation long after it had declared itself in strong and unequivocal language, it should be recollected, in exculpation, if not in defence of their conduct, that they knew more accurately than it could be known to others, how afflicting and harassing to the feelings of his majesty would be the resignation of his son, and the consequent imputation of acknowledged guilt.—When we call to mind their extreme unwillingness to give up his royal highness;—the threats of infamy, and the accu-

sations of Jacobinism, which they suspended over the heads of his accusers; and their examinations and speeches, more suited to the character of hired advocates than impartial judges;—we shall undoubtedly feel the stirrings of indignation within our breasts, and sorrowfully compare the days that we have seen with the days that we have read of;—but when we reflect on what the British nation felt and expressed on the occasion, and on the effect which the expression of their sentiments produced, and look around us in vain for another people who would have been equally bold, persevering, temperate and successful;—and look forward to what such a spirit will produce, if the oppressor who holds the continent in subjection should set his foot on our shores, we shall yet bless ourselves that we have a country worthy to defend, and fellow-citizens capable of defending it.

CHAPTER VIII.

British Affairs continued—Abuses in East-India Patronage—Abstract of the Proceedings of the Court of Directors on that Subject, from 1793—brought before the House of Commons—Committee appointed to inquire into the Abuses—Their Report—Consequent Resolutions of the Directors—Hardship, yet Necessity, of the Recall of the Writers and Cadets—Negligence of the Directors culpable—Facts relative to Lord Castlereagh brought out before the Committee—Remarks on Lord A. Hamilton's Motion respecting him—The Defence advanced in his Behalf examined—Its extreme Futility and Weakness pointed out—Remarks on Mr. Curwen's Bill—Difference

Difference between it and the Bill as altered by Ministers—Sir Francis Burdett's Plan of Parliamentary Reform—Difficulties in the Way of a real and beneficial Reform—from the Corruption of the Electors—from the unavoidable Influence of Rank and Capital—from the immense Patronage of Ministers—Its good Effects either exaggerated or not clearly stated—Observations on Mr. Wardle's Speech on æconomical Reform—Unsatisfactoriness of Mr. Huskisson's Reply—Decline of Mr. Wardle's Popularity—Inquiry into the Result of the Verdicts of the Jury—as they affect Mr. Wardle's Character and Motives—as they affect the Charges against the Duke of York.

SO far back as the year 1793, when the charter of the East-India company was renewed, it was resolved that each director, within ten days after his election, should take an oath that he would not receive any perquisite, emolument, or favour, for the appointment of any person to any office in the gift of the company, or on account of fixing the voyage of any ships in the company's employ. So strongly were the court of directors impressed with the necessity of preventing any abuse of patronage, that a heavy penalty was imposed, by their bye-laws, on each director who should be found culpable in this respect; and the director who should recommend a person to a cadetship, as well as the nearest of kin of the newly appointed cadet, were obliged to sign a certificate;—the former that neither he, nor any other for him, or to whom he had given the appointment, had received, nor were to receive, any thing for it;—the latter, that it had been given to his relation gratuitously.

Within a very few years after these enactments, viz. in the year 1798, suspicions of abuses in the nomination of writers were so strong and prevalent, that the court of directors thought proper to set on foot an inquiry into this subject. A committee was accordingly ap-

pointed, who came to some resolutions, which, if they had been adopted and acted upon by the court of directors, would have gone a considerable way towards putting an end to the abuses complained of. The court did, indeed, approve of the report and resolutions of the committee; but before any step could be taken, the direction was changed, and it consequently was necessary to appoint a new committee. This new committee was not permitted to proceed so uninterruptedly in their investigations as the former one; for, on their first report, a long discussion took place, whether it would be proper for them to proceed in their inquiry:—on a division, however, it was carried in the affirmative. Further obstacles and difficulties were thrown in the way of the committee; so that their proceedings were extremely slow and interrupted, and the prospect of much real benefit from their appointment was considerably diminished. In the beginning of the year 1800, they examined their own members, respecting the appointments each had had the disposal of, as a preliminary step towards a similar examination of the other members of the court. But when this proposal was laid before the general court of directors, a motion, that the declaration required from each member should be on

oath, was rejected, and a motion for adjournment proposed and carried. The committee of patronage having ceased along with the direction in the month of April, a long and warm discussion took place relative to its reappointment. On a division, the numbers being equal, the lot decided for an amendment, the purport and object of which was not to reappoint the committee. An attempt was, however, made in the beginning of the year 1801, to renew the inquiry by the former method, but it was defeated; there appearing, on a division, a majority of 139 against it. On the opinion of counsel having been taken, whether the court of directors, or a committee appointed by them, could examine the persons called before them upon oath, it appeared that such examination would be contrary to law.

No further proceedings took place on this subject, though it was well and generally known that appointments to cadetships were procurable, and that advertisements respecting them frequently appeared in the newspapers, till the investigation respecting the charges against the duke of York forced the subject upon the attention of the house of commons. In the course of this investigation, it was ascertained, that there was a regular, systematic, and by no means a concealed traffic in East-India appointments, as well as in subordinate places under government. The instances of traffic in the former were so very numerous and glaring, that the house of commons appointed a select committee to inquire into the existence of any corrupt practices in regard to the nomination of writers and cadets in the service of the East-India company, or any agreement, negotiation, or bargain,

direct or indirect, for the sale of such places.

By the report of this select committee, it appeared that a very great number of cadetships and writerships had been disposed of in an illegal manner; and though they expressly declared that the evidence laid before them had brought out nothing which could in the smallest degree fix any of these improper bargains on any of the directors, or give rise to a reasonable suspicion that such bargains had been formed or carried into execution with their consent or knowledge; yet not only particular facts, but the general bearing of the whole investigation clearly proved, that if all the directors had exercised, in the disposal of their patronage, the same caution and vigilance which are usually applied in the management of a person's individual concerns, it would have been utterly impossible that such a regular and continued traffic should have been carried on for such a considerable length of time.

All the writerships which had been improperly disposed of were found to be the nomination of one individual; and so strong and general was the persuasion that he had been culpable, at least in so far as culpability was implied in not inquiring how the person, at whose disposal he placed the offices to which he was entitled to nominate, had bestowed them, and on what account, and for what purpose of personal interest, he was so anxious to procure them, that, on his offering himself to be rechosen as a director, he was rejected by a large majority.

After long and warm debates, it was determined in the court of directors, that those young men who had been named by the committee

mittee of the house of commons, as having obtained their appointments improperly, should be recalled. In a court of proprietors, and also in the house of commons, an attempt was made to set aside this resolution of the directors: but the previous question was carried in the former; and in the latter it was justly argued, that the house had no jurisdiction over the East India company on this point.

The hardship which the carrying into effect this resolution would inflict on the young men who were the objects of it, was felt and acknowledged; but there seemed to be no alternative, unless the court of directors had resolved to render, by their own act, a solemn and essential law of the East-India company a dead letter. It was very properly argued, that no law could ever be put into regular and impartial execution, if it were obstructed or suspended in its course by the consideration of the individual evil which it would necessarily produce;—at the same time it must be acknowledged, that the conduct of those directors, whose negligence and want of due and efficient inquiry had, in a great measure, given rise to the improper appointments, was highly censurable. Had the practice of disposing of writerships and cadetships for money, or any other valuable consideration, not been generally known, and long established, there might be some excuse for their inattention and carelessness;—but as the traffic was public, and had been so strongly suspected of being encouraged by the remissness, at least, of the directors, that committees of inquiry had been instituted upwards of ten years before, —it requires almost an excess of candour, bordering either upon

weakness of judgement, or great partiality, to believe that they did not inquire, solely because they had no suspicion that such a traffic existed, or that the friends whom they obliged were not concerned in this traffic.

The consideration of this inattention or laxness of principles, where the concerns are not individual or personal, but of a public and general nature, forces itself upon the mind in too many instances, in reviewing the transactions of this year, and weakens in no small degree the hope which many too fondly indulge, that men may be found, who will carry the morality, by which they regulate their duty towards their neighbours, into their transactions, when they act as the servants of the nation, and the guardians and administrators of the public good.

In the course of the examination of witnesses by the committee for inquiry into the abuse of East-India patronage, it came out, that lord Castlereagh, when president of the board of control, had endeavoured to procure a seat in parliament for his friend lord Clancarty, then a member of the same board; for which seat lord Castlereagh had agreed to exchange a writership, the nomination to which, he, as president, possessed. The negotiation did not however succeed, owing to the unwillingness of the agent who had undertaken to obtain the seat, to name the person who had the disposal of it. Lord Castlereagh, from his own examination, appeared to have ventured into this disgraceful business without the smallest hesitation or scruple, and to have been perfectly ready and willing to give every explanation, and to fulfil all that was requisite on his part. He ac-

knowledge that he had engaged in a traffic which ought justly to be regarded as doubly illegal, as it had for its object both the disposal of East-India patronage and the purchase of a seat in the house of commons. This traffic he entered into with a man whose character and profession was an advertising place-broker he either knew, or might have known if he had made the slightest inquiry respecting him. With this place-broker he had frequent meetings, fixed at his own desire, and according to his own appointment.

Our readers, by advertg to our account of the proceedings of the house of commons, under the date of the 25th of April, will observe, that notwithstanding lord Castlereagh, by his own testimony, was proved to have broken the law in a double sense, yet the motion of lord A. Hamilton,—that by his conduct he had been guilty of a dereliction of his duty as president of the board of control, a gross violation of his engagements as a servant of the crown, and of an attack on the purity and constitution of the house,—was got rid of, by the order of the day. The arguments which were urged in defence of lord Castlereagh are of such a singular nature, when considered as urged in defence of a man who admitted not merely the facts alleged against him, but the illegality of the facts, that they merit some consideration.

If we strip the defence that was set up for the noble lord of all extraneous matter, it will be found to rest principally on these two circumstances:—that he was an offender only in intention;—that the crime was not complete; and that he was not led to the commission of it by any wish or in-

tention to violate the purity of the constitution.

It is scarcely possible to regard and treat these as serious arguments: they seem rather meant to cover the real ground of defence, which was hinted at during the discussion on lord A. Hamilton's motion. There certainly appeared to be a disposition in some members to justify, or at least to extenuate, the conduct of lord Castlereagh, on the plea that he had only done what had been often done before, and that therefore it would be unfair and harsh to punish him, while others equally culpable were permitted to go unpunished. In this implied and indirect defence, as well as in the defence which was openly employed, the simple and single question is overlooked: Is the conduct which lord Castlereagh confesses himself to have pursued, contrary to the laws of this country? If the answer had been, as it must have been, in the affirmative, all proof that the crime was not fully completed, or that the accused person was ignorant of the law, or meant no harm in transgressing it, was irrelevant and unnecessary. In ordinary cases it would not have been admitted; and, if urged, would probably have injured instead of benefiting the culprit in the eyes of the jury; since it would have led them to believe, that it was had recourse to, only for want of more complete and satisfactory evidence.

But let us examine these grounds of defence separately, and with more minuteness. Lord Castlereagh, it was urged, was an offender only in intention. But from what cause did it happen that his intention was not carried into full execution? Was it because he dis-

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covered that he was acting illegally, and therefore resolved to proceed no further in the transaction? Had this been the state of the case, there might have been some shades of an argument in this mode of defence: but the fact was not so. Lord Castlereagh was willing and anxious to have completed the transgression of the law, provided he could have done it on his own terms, and to his own satisfaction. He did not say to the place-broker, "I shall have nothing more to do with this business, because I have discovered that it is illegal;" "but I will break off the negotiation, because you are not sufficiently explicit, and I am apprehensive I may give away the writership without receiving the seat in parliament."—Besides, lord Castlereagh did not merely intend to transgress the law:—he did transgress it in every step he took, from the first letter he wrote to the place-broker; from the first interview he had with him, to the breaking off the negotiation.—The defence urged in his behalf on this ground, cannot therefore stand a moment, before the examination of the smallest share of common sense; nor would it be admitted in any court of justice.

His advocates were not more successful in the other plea which they advanced; viz. that in the whole transaction he had not the most distant ideas of violating the purity of the constitution. Of what use are laws, if a person, when he transgresses them, is suffered to go unpunished, on the ground, that although the law was expressly made against the action he had committed, because it was injurious to society,—yet he did not intend to injure society in committing it? If lord Castlereagh knew that the

law he was transgressing was deemed necessary to protect and preserve the purity of the constitution, it was impossible that he should not at the same time have had a clear knowledge that he was violating that purity; unless indeed he regarded the law as useless. In that case, he ought to have come boldly forward in the house, confessed his transgression of the law, but contended that such conduct had not, deservedly, subjected him to censure or punishment; since, though illegal, it had no tendency to violate the constitution. But so long as he admitted that the law was just and salutary, and that he was acquainted with the existence of such a law, his declaration, that he had no idea of violating the constitution, must be regarded as ridiculous and absurd.

Although lord Castlereagh was acquitted, in a manner indeed not very honourable and triumphant, by moving the order of the day; yet the scenes which had been laid open during the investigation of the charges against the duke of York, in the report of the select committee appointed to inquire into the abuse of East-India patronage, and more particularly and strikingly by the exposition of the conduct of the noble lord, induced Mr. Curwen to bring in a bill for better preserving and guarding the purity of parliament. Ministers expressed their hearty concurrence in the principle and object of the bill when it was first proposed; but they afterwards, during its passage through the house, introduced into it such material and fundamental alterations, as, in the opinion of many, to render it totally inadequate and inefficient to answer the proposed object.

In order that the promise of security

curity to the constitution, which Mr. Curwen's own bill held out, may be justly estimated, and the probability of the altered bill being beneficial for the same purpose, may also be fairly appreciated, it will be proper to state in what respects they differed from each other.

The most remarkable features in Mr. Curwen's bill are, the oath, which it proposed should be taken by every member of the house of commons, at the table in the middle of the house, while a full house was sitting, and the penalties which it annexed to the breach of the oath. It was very explicit and carefully worded, and must have applied to almost every possible case of the purchase of a borough; and even where legal discovery could not have been made, yet the dread of falling under the imputation and punishment of perjury, joined to the suspicion which seldom fails of being fixed where such a purchase has taken place, would have deterred men from offering money for seats in parliament. For it was expressly declared by Mr. Curwen's original bill, that if any person, having taken the prescribed oath, should be afterwards proved to have done any thing contrary to it, he should suffer the punishment inflicted in cases of wilful and corrupt perjury.

It was contended by ministry, that this oath was wholly objectionable, on the ground that the offence against which it was intended to guard, was perfectly indefinite. But certainly the offence of purchasing a seat in parliament is not only a definite offence, but may be technically described, in an act of the realm, in such a precise, clear and explicit manner, as should leave no doubt in the minds of those who were

interested in not transgressing it, how far it permitted them to go with impunity; nor in the minds of those who were to administer the law on this head, in what particular instances it had been broken. It seems not easy to understand what was meant by the assertion, that the crime (for a crime it was allowed to be by all parties) was of so vague, fleeting and changeable a nature, that it could not be described. It may indeed be true, that no law could be made on the subject, which should be so full and precise as to define and state in every possible mode and shade of transgression; but, undoubtedly, the more gross and palpable cases of criminality, as they strike strongly on the understanding of every man of common sense, might be described in language sufficiently appropriate and perspicuous.

The mode of preserving and securing the purity of parliament adopted in Mr. Curwen's original bill, was pointed out and strongly recommended by sir William Blackstone, in his Commentaries. He declares, that "it would not be amiss, if the persons elected were bound to take the oath against bribery and corruption, which in all probability would be much more effectual than administering it only to the electors." After such an authority, the authority of a man not given to recommend impracticable or unjust enactments, and who certainly was as careful of the proper weight which ministers ought to have in parliament, as of the preservation of a real and efficient representation of the people,—it is surprising to hear the oath proposed by Mr. Curwen objected to, on the ground of its being framed against an offence totally

totally indefinite.—Besides, if the particular oath introduced into the original bill was objectionable, might not the suggestion of sir William Blackstone have been adopted, and the oath against bribery and corruption, taken by the electors, been ordered to be administered also to the elected?

The most important clause that was introduced by ministers into Mr. Curwen's bill was to the following purport;—that any office given or bartered away in exchange for a seat in parliament, should vacate the seat, forfeit the office, and render the parties liable to a misdemeanor, where the transaction could be proved to have taken place under an *express* agreement. By the insertion of the word *express*, it is to be lamented, that ministers did not prove the reality of that good-will towards Mr. Curwen's intention, in bringing forward his bill, which they expressed at its first introduction. On many accounts, the insertion of this word was objectionable: in the first place, it is entirely without precedent in drawing up acts of parliament, and consequently, being unusual, it must give rise to much difficulty and perplexity. Ministers had objected to the oath, because it applied to an offence that could not be clearly defined; but in this case they committed a similar fault; for, as it would be extremely difficult to determine how far an agreement might go, without being legally considered as *express*, they affixed a punishment to an offence of an indefinite nature.

In the second place, it left completely open and unnoticed every violation of the purity of parliament, which might arise from an implied agreement, even where the

circumstances by which it was implied were so clear and strong, that no possible doubt could be entertained on the point. It thus seemed designed, and undoubtedly had a manifest and direct tendency, to point out to persons so disposed, how far they might proceed, in violating the purity of parliament, undetected and unpunished, and by what means they might secure themselves from the law. It is very difficult to conceive any reason for refusing circumstantial evidence on this very essential point, when it is admitted and acted upon in every case where the property, lives, and character of individuals are concerned.

Lastly, we regret much, that by the alterations in Mr. Curwen's bill, proposed and carried by ministers, the character and tendency of it were so completely changed, and rendered so very different from what that bill possessed which they promised to support, that those persons who were disposed to question their sincerity, had too much reason to pride themselves in their sagacity, and such a good opportunity and pretext for inveighing against the patriotism of men in power.—When Mr. Curwen's bill was first introduced, it was received with favour by ministers, and treated with contempt and scorn by that party in the house who are advocates for a complete and radical reform. The latter prophesied that it would do no good, but rather harm, even if it had passed through unmutilated and unweakened; they were solicitous about no measure, and would support no measure, which did not proceed upon the general principles they had adopted, and tend to the immediate

mediate and complete accomplishment of the object they had in view: by them, therefore, Mr. Curwen's bill was disregarded, as too weak and inefficient;—by the ministry, as too strong and rigid. Is it not, therefore, reasonable to conclude, that as steering clear of both extremes, as pleasing neither those who are enemies to moderate reform nor those who are afraid of every kind of reform, this ill-fated bill was founded in wisdom and justice; and would, if it had been permitted to have remained unchanged, have produced all the advantages that the mover of it expected and held forth.

Before we proceed to offer some remarks on the plan proposed by sir Francis Burdett for reforming the state of the representation, we think it proper to observe, that, sensible of the extreme difficulty and importance of the subject, we shall confine ourselves to a few very general observations, after having first given a short abstract of the plan itself.

Sir Francis divided his proposed plan into three parts: by the first article of it, all freeholders, householders, and others subject to the payment of direct taxes to the state, the church, or the poor, should be entitled to vote for members of parliament. In the second place, a convenient division of the places entitled to send representatives was to be formed; each division was again to be subdivided; and each subdivision was to return one member. In the third place, the elections were to be carried on in the several parishes on the same day; and, lastly, the duration of parliaments was to be reduced to the period of time most agreeable to the constitution.

The first observation which we

shall offer, relates not to this, or indeed to any particular plan for a parliamentary reform, but to the object itself. We have not the least doubt that many very great advantages would accrue to the country from a wise reform, properly introduced, and grounded on rational principles; but we must express our opinion, that these advantages have never been fairly and satisfactorily laid open to the view of the public; while many consequences, certainly of a highly beneficial nature, have been exultingly dwelt upon, as what would unavoidably follow this measure, which to us appear to have little or no connexion with it. There is also another gross mistake or misrepresentation on this subject: it is conceived, or at least held out by many, that a reform in parliament would produce much more patriotism and public œconomy. This will be strongly questioned by those who have observed how little effect is produced on mankind by mere enactments, institutions, or laws. A reform in parliament, if it diminished the means and the quantity of temptation, would certainly cut off some of the causes which make men desert or sacrifice the interests of their country: but those persons would find themselves grossly mistaken, who expected that the beneficial change would either be immediate, complete, or general. While such numbers of electors are to be found who prefer their individual interest to the public welfare, and who would even secure the former at the expense of the latter, there will be too many chosen members of parliament, (even though sir Francis Burdett's plan should be adopted) solely because they are willing to benefit their constituents, and who will not forfeit

forfeit their favour and support, however they may vote and act on public occasions, provided they are able and willing to preserve it, by such means as are now, in the present imperfect and corrupt state of the representation, too frequently had recourse to.

Of those members, therefore, who might be returned to parliament under an amended system, there would probably be a considerable number who were indebted for their election to their known disposition, if not their absolute promise, to benefit their constituents, in a manner not compatible with the interests of the country: such men, though chosen by a part of the people, could not justly be regarded as forming any part of the real representation of the nation at large; those by whom they were elected, expected from them a line of conduct directly opposite to what they must have pursued, if they had been conscientiously solicitous to discharge the duties of the latter character. Here then we perceive a body of men, returned not by ministerial influence, or by means of their own money, but by a portion of the people, who, not more from a regard to their own interests than from a compliance with the wishes and expectations of their constituents, will be as much at the beck of the ministry of the day, as any set of men can possibly be under the present system. That such would be the result under any reform of parliament, however judiciously devised, nobody will entertain a doubt, who is acquainted with the kind of merit to which many members, returned by places where the right of election is as open and free as could well be adopted, are indebted for their

seats in parliament. It would not be difficult to specify places, the voters of which, almost to a man, have reprobated the conduct of the house of commons, and yet received with rapture, and returned, almost by acclamation, and without contest, their members, who supported the measures they reprobated; but who, by ranging themselves on the side of ministry, had it in their power to benefit their constituents.

There is still another source which would produce members not the real representatives of the people who choose them, but either at the disposal of the ministry directly, or indirectly so, through the medium of men of large property and influence. Let us suppose that the plan proposed by sir Francis Burdett, or any other plan of a similar nature, were sanctioned by parliament, and that, in consequence of it, all who paid direct taxes were allowed to vote for members of the house of commons. A large portion of those who were thus qualified, would unavoidably be under the direct and absolute influence of the higher and richer classes of the community. Let us consider what takes place, notoriously, in many county elections: the tenants are directed to vote as their landlords require; and if they refuse or object, they must abide the consequences. In some places, when an estate is let into farms, the rent demanded is under the regular and customary sum, on the express or implied condition, that the *votes* of the tenants shall be at the disposal of the landlords. Where tenants enjoy long and unrestricted leases, they may be in a great measure independent of their landlords; but where there are no leases, or where the leases

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are short, or burdened with such restrictions or obligations as the tenant cannot possibly attend to in every instance, with legal accuracy and completeness, the landlord, if so disposed, has it in his power, either to command the vote of his tenant, or to expose him to great pecuniary losses;—even where tenants are, strictly speaking, independent of their landlords, they will not, generally, be disposed to thwart his views in political matters:—so that here again we perceive that, unless the condition of the electors could be altered; unless they could be rendered not only more pure, but less under the influence of rank and property, the elected will not be the real representatives of the nation.

It is scarcely necessary to point out how the influence of property, the relation of master and servant, and, in general, the hold which wealth has over comparative poverty, and men who are possessed of capital have over such as depend upon their labour for the means of livelihood, would operate in towns, as well as in the country, and throw the real return of a great number of the members of the house of commons into the hands of a very few individuals. Such members of course could not justly be regarded as forming a part of the real representatives of the people, nor expected to perform the duties of such, unless it so pleased those through whose means and influence they were returned.

Lastly, let us take a view of another probable consequence which would follow such a reform as sir Francis Burdett proposed. At present it is said ministers can command a majority, in general, by means of those members who are returned for what are called the trea-

sury boroughs; of such as they personally influence or return; and of such as come over to them, in the hopes of sharing their favours. If the proposed plan were adopted, they would be deprived of all the first class; of some (but only of some, if our preceding remarks be just) of the second; and, it may be, of a great proportion of the last class. It is expected that the reform would make ministry more cautious, if not more patriotic in their measures:—this it might do; but undoubtedly, their first attempt would be, allowing the character drawn of ministers in general to be correct, to make up for the members whom they had lost by the destruction of the rotten boroughs, by drawing over other members, so as to give them a majority. For these they must be at more expense than they are supposed to be now; both because they would stand more in need of them, and because the dread of not being returned at the dissolution of parliament would deter many from joining them. But as the proposed reform does not pretend to be operative upon the character of ministers, unless on the supposition (which we have endeavoured to show is very problematical) that the representatives returned under it would prefer the good of the nation to the acceptance of wealth or honour; and as it would still leave all the patronage, at present engaged by ministers, in their possession, the most probable consequence would be, that ministers would still have a majority; but that majority would be obtained at a greater expense to the nation.

Notwithstanding these remarks, we are deeply impressed both with the advantages that would result from a reform in parliament, provided

vided it were preceded or accompanied with more patriotism in the people at large, and with the evils attendant upon the present system of representation. What the public ought to be guarded against is, the delusive hope, that a reform in parliament would immediately and unavoidably operate as a cure for all the evils they complain of, and the over-weening belief that they themselves are pure and need no reform. When, by their conduct, regularly persevered in from principle and conviction, and not adopted by fits and starts, they prove that the national welfare and dignity are uppermost in their thoughts and affections; when, by a resentment and indignation as strong and real against the proposal to share in the money wrung from the fruits of their labour, as they manifest against the payment of new taxes, or the waste of the national expenditure, they prove that a selfish regard to their own interest is not at the foundation of their complaints; then may a reform in parliament be advantageous; for then, but not till then, the people may reasonably be expected to return such members alone as would have the national welfare at heart, and guard it with so much vigilance, zeal, and intrepidity, as would compel ministers to secure a majority by obeying the wishes of the nation.

Colonel Wardle having incidentally stated in the house his opinion, that a saving in the public expenditure might, by judicious arrangements and proper attention to œconomy, be effected, to the whole amount of the income tax, he was called upon to particularize the mode in which it might be accomplished. This he did, in a long speech at the end of the

session, which speech was very minutely replied to by Mr. Huskisson. On this subject we mean to offer some general as well as particular remarks; referring our readers, as usual, to our parliamentary debates, for the statement and reply.

Although no doubt can possibly be entertained, that in the management and course of such an enormous expenditure as that of Great Britain now is, there is ample room for saving to a large amount, yet we apprehend colonel Wardle did not do justice, either to himself or to his subject, by the mode in which he brought forward his statements. They were evidently taken up upon too general and cursory a view of the subject; and though several of them (as we shall presently endeavour to show) were borne out by clear and definite facts, yet the general impression from the whole of them was, not that no considerable savings could be made, but that colonel Wardle had not succeeded in pointing them out and substantiating them.

The reply of Mr. Huskisson was equally objectionable in a general point of view. Though it were admitted that he had succeeded in proving each individual statement of colonel Wardle incorrect and unfounded, yet it would have had a better appearance, if he had directly admitted the possibility of reducing the national expenditure, even though he had not applied the extensive and accurate knowledge he is acknowledged to possess on this important subject, to develop and explain the particular methods by which it might be reduced. His conduct on this occasion is a part of, and exemplifies the system, very injudiciously, in our opinion, pursued by

by every ministry. While their opponents contend that there are many things wrong and injurious to the interests of the country, they, on the other hand, maintain, with equal obstinacy, that every thing is correct, proper, and beneficial. Could ministers themselves be persuaded to step forward, and candidly point out what needs reform, they would not only weaken the power of their opponents, but gain a more firm, permanent and extensive footing in the confidence and good-will of the nation.

Besides this general objection to Mr. Huskisson's reply, a special one, of no trifling weight, may justly be brought against it. In almost every instance, where col. Wardle brings a charge of unnecessary and profuse expenditure against any department of government, Mr. Huskisson replies, by asserting, that the subordinate agents in that department are allowed very moderate salaries. This reply, in our opinion, instead of proving the non-existence of the evil complained of by col. Wardle, proves that two evils exist;—the immoderate salaries paid to the higher, and the disproportionately low salaries paid to the inferior agents in the same department. Mr. Huskisson instanced a clerkship in the stamp-office, the salary of which was only 50*l.* per ann.: for this it seems impossible to procure the faithful discharge of the duty of such an office; so that by Mr. Huskisson's own showing, the public are injured, not only by that extravagance which allows more than an adequate salary, but by that ill-judged and short-sighted œconomy, which, hoping to atone for its extravagance in one instance, allows in another such a small remunera-

tion, as cannot possibly command the requisite abilities and application.

In no part of his reply was Mr. Huskisson less fortunate and satisfactory than in that which related to the expense incurred by the collection of the revenue. Mr. Wardle asserted that one million might be saved under this head. Mr. Huskisson replied that this was a bare conjectural assumption, and that he might as well have said, it could be collected at the rate of 2 or 1 per cent. as at a percentage of 3*l.* Colonel Wardle's assertions, we have already remarked, appear to us, in many instances, not to have been grounded on very accurate and minute intelligence; but, in this particular one, he is certainly borne out by facts, that must have been known to Mr. Huskisson. The most troublesome part of the revenue is collected at an expense less than that which colonel Wardle allowed for the whole. By the official documents laid before parliament, it appears that the revenues of excise are collected at the expense of 2½ per cent., and as the sum raised by duties of excise amounts to 20 millions; nearly the half of the revenue of the country is collected under the rate allowed by colonel Wardle.—The sum paid for collecting the whole revenue is 4*l.* 12*s.* 9*d.*; so that the remainder of the revenue, after deducting the duties of excise, must cost the nation nearly 7½ per cent. in the collection.

By the statement of col. Wardle, in which Mr. Huskisson concurred, it appears, that the expenses of the post-office have risen since the year 1793 from two to four hundred thousand pounds per ann. The latter gentleman accounts for this by no means in a satisfactory manner:

manner: according to him, the increase of salaries, the opening new lines of communication, and the establishing new provincial offices, have caused this double expense. The first cause may be allowed as relevant and efficient: the second could occasion only a temporary additional expense; and, if the new lines of communication were judiciously planned, a permanent saving must have been produced by shortening distances, and by the consequent diminution of the charges of conveyance. The last cause may be allowed to have given rise to part of the increased expense of the post-office; but most assuredly, additional salaries and the establishment of new provincial offices, could not jointly have doubled the expenditure, especially when the saving produced by opening new lines of communication is taken into the account.

Our limits will not permit us to advert to more than one other instance, in which the reply of Mr. Huskisson is extremely loose and unsatisfactory. Colonel Wardle had objected to the very great expense attending the staff of the local militia (between three and four hundred thousand pounds.) Certainly the most proper answer to this objection would have been, to point out, in the first place, the advantages accruing from the staff of the local militia in its present extended state; and, secondly, to demonstrate, by a reference to particular calculations, that this staff, thus proved advantageous to the country, could not be kept up at a less expense. Mr. Huskisson contented himself with remarking, that "so long as the local militia was maintained upon its present footing, the hon. gentleman could

not expect any saving to be effected."

The state of parties during the session of 1809 was very singular, and almost unprecedented. Most of those who are denominated whigs, and who are regarded as the disciples of Mr. Fox, utterly refused to countenance colonel Wardle, when he first brought forward his charges against the duke of York;—behaved in a very shuffling and evasive manner, till the business was nearly concluded; and then part of them were anxious to share the public favour, which the colonel had gained, by appearing against his royal highness; while others, divided between their anxiety to be popular, their dislike of ministers, and their wish to court the royal favour, pursued such half measures as neither benefited the duke nor pleased the people. When lord A. Hamilton attacked lord Castlereagh for his abuse of East-India patronage, he was supported by most of the whig party; but when Mr. Madocks discovered a wish to fix the charge of corrupt practices upon Mr. Perceval and lord Castlereagh, and through them upon the former ministry, he was countenanced and supported only by those of his own party.

This party, which may be denominated the party of the reformists, or the party who have taken up some of the principles, though they profess their abhorrence and contempt of the name, of whiggism, has this year gained a considerable accession of strength in the house, and fixed their popularity upon a more firm and extensive basis. For this accession of strength and popularity, they are as much indebted to the mismanagement of ministers as to their talents or exertions. The

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nation at large certainly are anxious for such a change of system as would introduce a more real responsibility of their rulers, a greater œconomy in the public expenditure, and a more wise and successful administration of affairs: but they are also desirous that these beneficial changes should be brought about by ministers themselves; and they have not transferred their hopes and their confidence to a set of men, whom, but a few years ago, they regarded as the libellers of the constitution, till they have had fatal and repeated experience of the unwillingness of ministers to alter their system.

We have already remarked, that it would be difficult to point out a session of parliament, on the proceedings of which the attention of the nation at large was fixed with more deep and anxious interest. Those who had long entertained and expressed the opinion, that the house of commons did neither represent the people, nor follow, in their decisions and measures, its voice and wishes, kept a steady eye on the conduct of the house during the investigation of the charges against the duke of York. They were considered by them as of great importance, not merely with respect to the dismissal of his royal highness, but as bringing to a severe and accurate test the truth of their opinion, with regard to the willingness of the house of commons to comply with the voice of the nation, unequivocally and almost unanimously made known to them. When, therefore, the result proved that the resignation of the duke of York had been effected, not by the votes of the house, but by the indignant voice of the people, those who had always

held up the house as needing reform, from the very mode in which the members were returned, considered themselves furnished with a direct, positive, and glaring proof, that their character of it was not harsh or unjust.

This opinion they found means to express, in connexion with the thanks which proceeded from every part of the kingdom, to colonel Wardle, for his persevering, intrepid, and successful endeavours in procuring the resignation of the commander-in-chief. The cities of London and Westminster took the lead on this occasion. Very soon after the colonel had completed his labours, a requisition was transmitted to the lord-mayor to convene a common-hall, in order to adopt such measures as might be thought necessary, respecting the corrupt practices which had long prevailed in the disposal of commissions in his majesty's land forces, and other public abuses. On this requisition the lord-mayor refused to convene a common-hall, alleging, that it was of too general a nature. Another having been sent, to which this objection did not apply, a very numerous common-hall was held, in which colonel Wardle, and those who had been most warm and direct in support of him, were declared entitled to their thanks;—strong resolutions were passed, almost unanimously, on the subject of public abuses and the constitution of the house of commons;—such of the representatives of the city of London as had voted in favour of the duke of York, were declared to have forfeited the confidence of their fellow-citizens; and the lord-mayor was censured for having shown a contempt and disregard for the rights and privileges of

of the livery, in refusing to convene a common-hall on the first requisition.

While votes of thanks were pouring in upon colonel Wardle from every part of the kingdom, a circumstance occurred which gave a serious shock to his popularity. As this circumstance is considered by many people as having not only proved fatal to the character of this gentleman, as a real friend of the public and a disinterested and honourable detector of public abuses, but also as having struck at the very root of the credibility of the evidence on which the duke of York was condemned by the nation, and virtually obliged to resign his situation, it demands more notice than ought to be allotted it, if its consequences were merely personal.

In the beginning of the month of July, an action was brought by Mr. Wright, an upholsterer, against colonel Wardle, for goods furnished by order of the defendant for Mrs. Clarke. In the course of the evidence it appeared, that colonel Wardle had undertaken to furnish a house for Mrs. Clarke, on condition that she should put him in possession of all she knew against the duke of York, and appear at the bar of the house of commons as a witness in support of the charges which the colonel, from her information, should prefer. Mrs. Clarke was examined on this trial at considerable length; and indeed the plaintiff rested his cause mainly on her testimony. The jury, after consulting for a considerable time, found a verdict for the plaintiff.

Immediately after this trial, col. Wardle addressed a letter to the people of the united kingdom, in which he stated, that his counsel, satisfied in their own minds, that the jury would not, on the evidence

they had before them, find a verdict against him, did not think it necessary to comply with his request, strongly repeated to them in writing during the course of the trial, to call some very respectable witnesses in his behalf;—and he pledged himself to prove that the verdict given was obtained by perjury alone.—See p. (96.)

Before, however, colonel Wardle proceeded with his indictment for perjury he attempted to obtain a new trial. The motion made by his counsel to that effect was very properly rejected by the judges, on the satisfactory ground that the facts and evidence he wished to bring forward might have been produced at the former trial, provided his counsel had used due caution, judgement, and industry. As therefore the cause of the verdict given against him rested entirely with his own counsel, neither a regard to established usage, nor to principles of justice and equity, would allow his motion for a new trial to be granted.

Soon afterwards, colonel Wardle, by the advice of his counsel, gave up his intention of prosecuting Mr. Wright and Mrs. Clarke for perjury, and indicted them for a conspiracy. Few trials excited greater interest or anxiety in the public mind. By one party it was looked forward to as involving the character of colonel Wardle, and determining the light in which he ought hereafter to be regarded. By another party, the issue of it was anxiously expected, as affecting, in a great degree, the evidence on which the duke of York had been compelled to resign his situation. This party also hoped that a second verdict of the jury obtained against the colonel, would open the eyes of the public to the real character

and objects of those who stood forward as patriots, and uniformly reviled the motives and measures of all public men.

The trial lasted till near midnight. All the witnesses whom the colonel had repeatedly requested his counsel to have brought forward on the former occasion, were examined; but their evidence did not, in the opinion of the jury, prove the alleged conspiracy: of course the defendants were acquitted.

One of the most singular circumstances attending these trials, was the different light in which the credibility and character of Mrs. Clarke were held up by the counsel for colonel Wardle, and the attorney-general who conducted the cause of the other parties. In the house of commons, col. Wardle brought forward Mrs. Clarke as a credible witness: the attorney-general, on the contrary, represented her as utterly unworthy of credit: during the trials, Mrs. Clarke was impeached by the counsel for colonel Wardle, as a woman whose evidence deserved not the smallest belief; they considered it, indeed, as so glaringly defective and unsatisfactory, either from her general character, or from the manner and substance of it, or from both, that they thought it unnecessary to call witnesses in behalf of their client, to oppose to her; while the attorney-general was loud in his expressions, that she ought to be believed, and did not hesitate to call for a verdict against colonel Wardle, on the credibility of that witness whom he represented as totally inadmissible when brought forward against the commander-in-chief.

The verdict of the jury, in both cases, was undoubtedly correct,

and borne out by the evidence that was laid before them. In the first trial, the evidence was strongly in favour of the plaintiff; and certainly, if it could not be contradicted, it established the fact, that colonel Wardle had expressly promised to furnish the house for Mrs. Clarke. The fresh evidence brought forward on behalf of the colonel, on the second trial, rendered it extremely dubious, whether he had made such a promise: but it by no means established the charge of conspiracy against the defendants. The colonel, when he wrote his address to the people of the united kingdom, seems not to have been aware, that he might succeed in proving, that he had not given any promise to furnish Mrs. Clarke's house; and yet fail in fixing the charge of conspiracy against her and Mr. Wright.

As therefore the verdict of a jury has legally proved colonel Wardle to have gained the evidence of Mrs. Clarke, against the duke of York, by the promise of pecuniary reward; and as in the second trial the colonel himself acknowledged that he had advanced her a sum of money for that purpose, it becomes necessary to inquire how far the case of his royal highness is benefited by these circumstances.

The friends of colonel Wardle allege, that as he did no more in order to obtain the evidence and papers of Mrs. Clarke, than what is frequently done by government itself in criminal prosecutions, the admissibility of Mrs. Clarke as a credible witness is by no means impeached: but there is a striking difference in the two cases;—wherever a witness for the crown appears in court, who has been induced to give his testimony from the

the hope of pardon or the promise of reward, these circumstances are explicitly stated to the jury; and consequently they bear them distinctly in mind through the whole trial, and give them their proper weight in the verdict they deem themselves obliged to pronounce. Whereas, when Mrs. Clarke appeared at the bar of the house of commons, it was not known that she had either received money, or the promise of money, in order to induce her to give her evidence; so that the credibility of it, on this ground, was not impeached in the opinion of the members, whose votes were to decide the truth of the charges against the duke of York.

Having placed this circumstance in what seems its proper light, so far as it is connected with the admissibility of Mrs. Clarke's testimony, it may now be considered as affecting the character of colonel Wardle. His advocates say, that he was justified in gaining the evidence of Mrs. Clarke by the means he used, on the ground that government is justified in procuring, by the hope of pardon, and the promise of reward, the evidence of an accomplice, to condemn his fellow transgressors. But in this respect also the observation that we have just made holds good: government pardons or rewards its witnesses; but, at the same time, these circumstances are distinctly known, or stated to the jury; colonel Wardle, on the contrary, brought forward Mrs. Clarke by means of money, or the promise of money, and concealed from the members of the house of commons that his witness was thus bribed to give her testimony.

It is next to be considered how far Mrs. Clarke's credibility, as a

witness against the duke of York, is affected, taking into consideration all the circumstances of the two trials. It has been maintained that it is totally destroyed, from the fact of her having been bribed to give her testimony having been proved. The latter circumstance may be admitted; and yet the inference does by no means follow. During the proceedings before the house of commons, Mrs. Clarke was held up by those who advocated the cause of his royal highness, as a witness totally inadmissible, on account of her situation in life, her general character and conduct, and the malice she was supposed to bear against the duke. Now the jury, by two verdicts, have removed completely and satisfactorily, in a direct and positive manner, the objections to her admissibility as a witness, arising from her situation in life, and her general character and conduct;—and, virtually, the objection arising from the malice she was supposed to bear against his royal highness, since they gave credit to her testimony against colonel Wardle, though, at the time she appeared against him, there was, at least, as just reason for suspecting her of malice towards him, as there was to suspect her of malice towards the duke when she was at the bar of the house of commons. It may be added, that the jury had not such strong evidence, corroborative of her testimony, as the house of commons had.

Allowing then that the result of the trials has been to impeach the credibility of Mrs. Clarke's evidence, on the ground of her having been bribed to appear against the duke of York, they have also entirely removed the objection that

was actually made, and had its full force with the house, on the ground of her situation and general character and conduct, and justified the house in overlooking the objection which was brought forward on the plea of her supposed malice to the duke of York. As then one objection has been removed, and another, certainly not of such a nature as would have disposed the house to have discovered more unwillingness to believe her than they actually did, has been brought to light and substantiated by the same verdicts which removed the former, the charges against his royal highness rest upon the same foundation as they did before the trials, even in respect to the evidence of Mrs. Clarke.

But the charges against the duke of York rested in a very trifling degree upon the evidence given by Mrs. Clarke: let the amount of her testimony be struck out altogether; and let us suppose the

house of commons only in possession of such evidence as the notes and letters laid before them afforded; and as the advocates of his royal highness, in their zeal to serve him, actually adduced against him;—it must, it will be thought, after having weighed all these proofs, and traced the connexion and resemblance among all their different parts, have still pronounced sentence against him.

It may therefore be concluded, that the trials, however they may have affected the character of colonel Wardle; whatever degree of suspicion they may have thrown upon the patriotic nature of his motives, or the honourable and justifiable nature of the means he employed, when he acted as the public accuser of the duke of York; do not, in any material or important degree, weaken the evidence upon which the voice of the public pronounced his royal highness Guilty.

CHAPTER IX.

British Affairs continued—Transactions of the British Navy—Escape of the French Fleet—take Refuge in Aix Roads—Lord Cochrane sent to destroy them.—Admiral Harvey's improper Language to Lord Gambier—His Trial on that Account—Attack on the French Fleet—Gallant and humane Behaviour of Lord Cochrane—His Charges against Lord Gambier—Evidence of the other Officers in Lord Gambier's Defence—Lord Gambier acquitted—Remarks on his Conduct—Gallant Action in the Baltic—Assistance afforded by our Navy to Spain—Ships and Transports destined for the Relief of Barcelona, driven on Shore and destroyed by Lord Collingwood's

Wood's Fleet—Affairs in the West Indies—Policy of taking the French Islands inquired into—Capture of Martinique—Capture of Cayenne—Victor Hughes, the Governor, censured by Bonaparte—Capture of St. Domingo—Dispute between the Governor of Jamaica and the Provincial Assembly there—Affairs in the East-Indies—Bonaparte's Intrigues at the Persian Court thwarted by Sir Harford Jones—A Persian Ambassador sent to England—Disturbances at Travancore—Unfortunate Dispute between the Civil and Military at Madras—Rise and Progress of it—The Memorial of the Military—Lord Minto's Letter to Sir George Barlow—State of our Dispute with America—Mr. Erskine's unauthorized Arrangement—Mr. Jackson's Mission unsuccessful.

THE transactions of the British navy, even when they are performed on a small scale, seldom fail of presenting a highly interesting and animating object. Besides the undaunted bravery and unparalleled skill which our sailors constantly exhibit, their deeds are deserving of our attention and record, as holding out one of the most solid and satisfactory grounds of hope, that, while our superiority at sea is in the hands of such men, it will not be in the power of the enemy of our independence to wrest it from us. When, therefore, any naval exploit worthy of the mistress of the seas has been performed, we should regard it as more extensively and lastingly beneficial to us, and injurious to France, than we are accustomed to do. If we dwell upon each defeat of the enemy by sea, as not only producing immediate loss and mischief to him, by the destruction or capture of his ships, but as also impressing him more deeply and permanently with a conviction and dread of our superior naval skill and bravery; while, on the other hand, it confirms (if confirmation there can be on this point) the assured belief entertained by our naval heroes, that on their own element they are invincible;—if these ideas were more habitually

and intimately mixed up with our thoughts, we should both think more highly and more justly of our naval victories, however confined they were, or inconsequential they might at first sight appear, and draw consolation and hope amidst the wreck of the continent of Europe, from the clear and firm conviction of our own inapproachable safety.

With these observations we mean to preface our account of as gallant and brave an action as graces the naval annals of Great Britain.

The French fleet, consisting of eight sail of the line and two frigates, was blocked up in Brest harbour by the English fleet under lord Gambier; but in the beginning of February, the latter, having been compelled to quit its station on account of the continued prevalence of westerly winds, the French fleet seized that opportunity and effected their escape, and entered Basque roads, where they were joined by four sail of the line and two frigates. Not deeming themselves safe there, they removed higher up into Aix roads. Here they anchored in such a manner as to afford mutual support and protection to one another, and, at the same time, to lie under the guns of their own fort; while, if they were not thus

found to be safe from the attack of the British, they had the entrance of the river Charante open to them, into which they might escape. As an attack upon them in this situation was evidently very hazardous, and required the most prompt display and exertion of cool and unshaken bravery, the lords of the admiralty thought proper to send lord Cochrane on this important and arduous undertaking.

He was accordingly sent out in the *Impérieuse*; and lord Gambier received orders to employ him in an attempt to destroy the enemy's fleet, by means of fire-ships. This appointment of lord Cochrane, a junior officer, appears to have given great offence to the officers in lord Gambier's fleet. Rear-admiral Harvey, who was second in command, went so far as to charge lord Gambier with having procured or recommended the appointment of lord Cochrane to this undertaking, and accompanied this charge with language very unbecoming and disrespectful to his commander. In consequence of this, he was brought to a court martial at Portsmouth; and after a short trial, (the admiral having admitted the truth of the charges, and pleaded in exculpation the excess of his zeal and his impatience of restraint, where he thought he could benefit his country,) was found guilty of having used vehement and insulting language to lord Gambier. The sentence of the court was, that he should be dismissed his majesty's service.

Lord Cochrane fully answered and justified the expectations of the lords of the admiralty, during the whole arrangement and execution of the plan for the attack upon the French fleet. On the

10th of April a number of fire-vessels and of transports filled with Congreve's rockets joined lord Gambier's fleet. Immediately the preparations were begun for the intended attack. As the fitting up and management of the explosion-ship were entirely intrusted to lord Cochrane, he determined that they should be complete in every respect: for this purpose he caused punch-eons, placed end upwards, to be filled with 1500 barrels of gun-powder; on the tops of the punch-eons nearly 400 shells with fusees were placed, and in the intermediate spaces about 3000 hand grenades. In order that the explosion might be as violent and destructive as possible, the punch-eons were fastened together by cables, and kept steady and immoveable by wedges and sand rammed down between them. In this ship, dreadful even to imagine, lord Cochrane, with one lieutenant and four seamen, committed himself.

On the evening of the 11th, the fire-ships, led on by capt. Woodridge, and the explosion-ship, proceeded to the attack, favoured by a strong northerly wind and flood tide. When they approached the enemy, they perceived a boom stretched across in front of their line, in order to protect them. This, however, was soon broken; and the English advanced towards their prey, undaunted and undisturbed by a heavy fire from the forts in the Isle of Aix. The French fleet, dismayed and thrown into confusion, attempted to avoid destruction, by cutting their cables and running on shore.

In the mean time lord Cochrane, having approached with his explosion-ship as near to the enemy as he possibly could, and perceiving

ceiving that they had taken the alarm, set fire to the fusee, and betook himself, with his companions, to the boat. They were not able, however, to get out of the reach of danger, before the fusee exploded. Instead of having had 15 minutes, the time calculated upon to place themselves out of the reach of the explosion, they had not left the vessel more than nine minutes before she blew up. The lieutenant, who accompanied lord Cochrane, expired in the boat, through fatigue; and two of the sailors were so nearly exhausted, that their lives for some time were despaired of. Lord Cochrane, however, thinking, that while any thing remained to be performed, it was his duty still to be foremost, had no sooner reached his own ship, than he proceeded to attack the French vessels thrown into confusion or driven on shore, and sustained their fire for some time, before any other man of war entered the harbour.

Early on the morning of the twelfth, lord Gambier, in consequence of a signal from lord Cochrane that seven of the enemy's ships were on shore and might be destroyed, made the signal to unmoor and weigh, but was obliged to anchor again before he reached Aix roads, on account of the wind and tide being against him. The enemy took advantage of these circumstances, and succeeded in getting six of their ships up the river Charante: four of the remaining ships were attacked by lord Cochrane in the *Impérieuse*, followed by the *Revenge*, the *Indefatigable*, and the *Valiant*, of 74 guns each. Lord Cochrane laid his ship along-side of the *Calcutta*, which had one-third more guns than the *Impérieuse*, and soon compelled her to surren-

der. He afterwards, supported by the other English men of war, attacked the *Ville de Varsovie* and the *Aquilon*; and notwithstanding our ships were exposed to a tremendous fire from the batteries of the Isle of Aix, they were also taken. As it was found impossible to get off these ships, they were set fire to, after the crews were taken out. The *Tonnerre*, another of the French squadron, was also burnt by her own crew.

The result of this brilliant and gallant achievement was, that one ship of 120 guns, five of 74 guns, and two frigates, were driven on shore, in such a manner and situation that they were either afterwards totally destroyed, or rendered useless:—one of 80, two of 74, and one of 50 guns, and three frigates, were burnt, either by us or by their crews; and the French had the mortification to perceive that their ships could not be secured from British intrepidity and skill, even by the batteries of their own forts, and the intricate and dangerous navigation of their own bays. On the 13th of April a constant fire was kept up on such of the French ships as had escaped up the Charante, by a bomb and the rocket boats; but notwithstanding the exertions of Mr. Congreve, who discovered very natural and laudable anxiety to render his invention, on this occasion, beneficial to his country, they were not able to approach sufficiently near to do any execution. In this hazardous operation, our whole loss amounted to 30 men killed and wounded.

In the course of this enterprise lord Cochrane displayed his humanity in as signal and noble a manner as he did his courage. A captain of one of the French seven-

ty-fours, when delivering his sword to his lordship, lamented that the conflagration of his ship, which was just about to take place, would destroy all the property he possessed. On hearing this, lord Cochrane instantly went into the boat, along with him, in order, if possible, to save some of it; but, unfortunately, his lordship's humane intentions were frustrated in a most shocking manner. As they passed a French ship which was on fire, her loaded guns went off, and one of them killed the captain, by the side of his generous conqueror.

After the destruction of this squadron, it was learnt that it was to have proceeded to Ferrol, where, having been joined by several more ships, it was to have gone to Toulon: at this latter place 40,000 troops were to have been embarked on board of it, in order to take possession of Cadiz and the Spanish fleet. Had they proceeded in this enterprise, the relief and protection of Martinique and Guadaloupe were to have been their next object. For this service, one of the seventy-fours that was burnt was laden with six hundred thousand pounds worth of stores and ammunition.

The British nation, at first, were highly delighted, and perfectly satisfied, with what had been achieved in Basque roads, but when the coolness of reflection succeeded, and they recollected that some of the enemy's ships had escaped, or at least had not been destroyed by us, a lurking discontent grew up in the breasts of many. Knowing that the appointment of lord Cochrane had given umbrage and offence to most of the officers in lord Gambier's fleet, it was imagined that they had not seconded, as they ought, his brave but perilous endeavours utterly to de-

stroy the French squadron. Even those who would not give belief to a suspicion so injurious and discreditable to our naval officers, were inclined to think, that, if all had been like lord Cochrane, or if lord Cochrane had possessed the chief command on this occasion, not one of the enemy's ships would have escaped.

A very short time after the enterprise, it was rumoured that lord Cochrane had expressed himself by no means satisfied with the conduct even of lord Gambier; and a passage in lord Gambier's official dispatch was cited, as proving that he thought the appointment of lord Cochrane not absolutely necessary to the success of the attack. This rumour was in no trifling degree strengthened, when a considerable time elapsed, and the minister, in whose department it was, did not move the thanks of parliament to lord Gambier. This was occasioned by lord Cochrane having notified to lord Mulgrave, the first lord of the admiralty, that if a vote of thanks should be moved in the house of commons to lord Gambier, he should feel it his duty to oppose it. Lord Gambier was thus placed in a very unpleasant and embarrassing situation: no alternative remained, but for him instantly to demand a court-martial on the whole of his conduct during the attack in Basque roads, in order that the charges of lord Cochrane might be officially and fully stated, directly met, and, if ill-founded, publicly repelled.

Accordingly an order for a court-martial, to be holden in Portsmouth harbour, was issued by the lords of the admiralty: the members of it were commanded and empowered to examine witnesses, for the purpose

purpose of ascertaining whether lord Gambier, on the 12th of April, the enemy's ships being then on shore, the signal having been made that they might be destroyed, did, for a considerable time, neglect, or delay, taking effectual measures for destroying them. Lord Cochrane stated, that if the attack had been made in the morning, immediately after he made the signal, and while the tide was falling, seven sail of the enemy might have been destroyed with great facility by two sail of the line, assisted by the frigates and smaller vessels, as at that time all the enemy's ships, except two, were fast aground. He also gave it as his opinion, that after the tide began to flow, the frigates alone might have completed the destruction of the vessels that were aground. From the circumstance of lord Gambier having delayed entering the bay, two out of the seven ships that were ashore got off, and escaped up the Charante.

As it appeared extraordinary that lord Cochrane should express his belief that frigates alone were necessary to effect the destruction of the enemy's ships in the forenoon, whereas it would have required three line-of-battle ships to have performed the same service during the morning, he was requested to explain the grounds of this opinion. From his explanation it appeared, that he considered frigates adequate to the proposed attack, only after the two line-of-battle ships, taking advantage of the delay of lord Gambier, had weighed anchor and run up the river. While they continued, he thought it might have been prudent to have opposed ships of the line to them; though, from the unprepared state in which they were, and the confusion and

unskilfulness evident among their crews, he had no doubt, frigates alone could have destroyed them, as well as the ships that had grounded. In illustration and support of the opinions given by lord Cochrane, he produced the log-book of his ownship, the *Impérieuse*.

In order to prove that lord Gambier might have entered Aix Roads with perfect safety to his ships, at the time when the signal was first made from the *Impérieuse*, lord Cochrane referred to his charts of the Roads, and described the relative situation and distances of the forts on the Isle of Aix, and the French ships which were aground. Here, indeed, the whole weight of the question lay. No doubt could possibly be entertained that the French squadron would have been more completely destroyed, if it had been attacked immediately after the signal made by lord Cochrane. The point to be investigated was, whether it would have been at all practicable to have entered Aix Roads at that time, with the fall of the tide, and to have placed the British ships in such a manner, that they could have brought their guns to bear on the enemy, without being perilously exposed to the fire from the forts; and to run aground; and if it had been practicable, whether the danger attending the enterprise was sufficiently imminent, unavoidable, and great, to justify lord Gambier in delaying to weigh anchor, though he knew that by such delay the enemy would have an opportunity of effecting a partial escape.

On this latter point, therefore, the witnesses were principally examined; and they gave it as their decided opinion, that when lord Cochrane made the signal, it would have been exposing the British ships

to almost certain destruction, to have attempted to have led them into the bay against the enemy. One of our ships, the *Cæsar*, actually grounded, contrary to the expectation of the pilot, and lay for three hours exposed to the enemy's batteries. One officer, indeed, on his examination, admitted that "there was a possibility of annoying the enemy more than he was annoyed, provided the vessels had been sent in earlier than they went;" but this possibility, in his opinion, must have been attended with great risk. It appeared, that even lord Cochrane himself reckoned upon the loss of three or four of our ships, if they had been sent in agreeably to his signal. This striking and conclusive circumstance came out on the examination of lord Gambier's private secretary, who was present when lord Cochrane stated it on board the *Caledonia*.

The court, after having deliberated on the evidence that was laid before them, determined that the charge against lord Gambier had not been proved; but that, on the contrary, his lordship's conduct, during the whole of the operations in Basque roads, "was marked by zeal, judgement, ability, and an anxious attention to the welfare of his majesty's service." They, therefore, adjudged him to be most honourably acquitted.

From a review of the whole evidence on this highly important and interesting trial, no doubt can be entertained that the sentence of the court was perfectly correct and just. Lord Gambier had omitted doing nothing for which any charge could be fixed upon him, even in the eye of our naval law, strict and imperious as it is. He had acted throughout the whole

transaction, in such a manner as would worthily have placed him in the same rank with our best naval commanders half a century ago; but the present age, it may be, is spoiled. They expect from their naval heroes a degree of fearless bravery, which overleaps the bounds of prudent and calculating duty, and sets at defiance every risk which may *possibly* be avoided, and every danger and difficulty that may *possibly* be surmounted or removed. Lord Gambier, undoubtedly, ought not to be blamed for what he omitted to do; but he would have been entitled to higher honour, and raised himself more nearly on a level with our modern naval heroes, if he had ventured more.

If we accurately and minutely analyse the character of a British sailor, we shall find that it has been formed principally on his firm and unshaken belief, that his intrepidity and skill will bear down every kind of opposition, difficulty, and danger. He is distinguished from the seamen of other nations, by constantly exposing himself to what they would deem certain destruction. It is this feature in his character which has stamped his fame, and which, by the terror it strikes into his enemy, greatly lessens the peril to which he exposes himself. Had no risk been run, Nelson would not have rushed through the surrounding shoals and batteries of Copenhagen, in order to grapple with the Danish fleet; nor would he have attempted to destroy the French fleet amidst the forts and sand-banks of Aboukir. By doing what no other men dare or can do, our sailors may occasionally sacrifice their lives, and lose their ships; but they thus make their enemies tremble, and fly at their very name.

The Baltic was also the scene of a very gallant exploit. About the beginning of July, a Russian flotilla, with a convoy of vessels laden with ammunition and provisions for their army in Finland, being alarmed at the sight of the British squadron under sir James Saumarez, took up a strong position under Pencola point. Their flanks were protected by two rocks, mounted with guns: the Russians, imagining themselves perfectly secure, seemed to bid defiance to British bravery. Captain Martin, of the Implacable, was determined, however, to impress them with the same respect and awe for the British flag, which those nations who have longer experienced our naval superiority so deeply feel. For this purpose the boats of four ships were manned, and placed under the command and guidance of lieutenant Hankey. The occasion called for the habitual cool and collected courage of British seamen: they were, in a great measure, ignorant of the track that would lead them most expeditiously and safely up to their enemies; while the Russians, covered and protected by their strong and commanding position, were enabled to pour a well directed and destructive fire upon our advancing boats: our seamen, however, kept steadily on to their purpose, and never deigned to fire a gun till their boats actually touched the enemy. Then they let loose their courage upon their enemies: they boarded the gun-boats sword-in-hand, and swept away all opposition and resistance.

Every officer displayed the greatest impatience and anxiety to lead on the attack; and every sailor strove to emulate their example. Their success was worthy of their intrepidity. The flotilla consisted

of eight gun-boats, each mounting a 32- and 24-pounder, and armed with 46 men: of these six were brought out, and one was sunk, and the whole of the convoy was captured.

This successful achievement was however, attended with the loss of the gallant leader: but he died a death glorious in itself, and such as must enrol his name among the heroes of the British navy. After he had captured one gun-brig, lieutenant Hankey was killed as he was in the act of boarding a second. His last words were for the success of the enterprise, and the honour of his country: "Huzza! push on! England for ever!"

In this severe contest we had 17 killed and 37 wounded. The Russians suffered much more dreadfully; as 63 of them were killed, and 124 were taken prisoners, among whom were 54 wounded; besides several that were drowned in attempting to escape from the vessels.

When the Spanish revolution first broke out, and the patriots applied to this country for assistance and support, considerable difference of opinion existed among our statesmen and politicians, with respect to the mode and degree in which this nation ought to grant their aid;—not that there existed any doubt or demur about the policy of supporting the Spaniards in their opposition to Bonaparte, but to many it appeared that this support would be rendered more effectual, if it were confined to our supplying them with money and arms, and to such auxiliary operations of our navy on their coasts, as might at once harass the common enemy, and benefit the patriotic cause. This latter opinion was openly professed and strongly inculcated

inculcated by lord Grenville in the house of peers. That his dissuasion against our attempting permanently and essentially to benefit the Spaniards, by sending our armies into their country, was grounded on wise and enlightened views, both of the constitution of our military forces, and of the improbability of their acting with effect and union along with the Spanish troops, will be too fatally evinced in the subsequent pages of our Register : that what he recommended with respect to our co-operation, by means of our navy, was equally politic, the services every where performed by our ships and seamen, whenever they had an opportunity, in favouring of the Spaniards, as clearly show.

Besides the subordinate and confined services performed by lord Cochrane in the Mediterranean, and by some other naval officers in the Bay of Biscay, by means of which, either the Spaniards were enabled to recover several of their towns, or the plans and movements of the French were essentially thwarted ; the fleet under lord Collingwood, in the former seas, was of great benefit to the cause of the patriots. Barcelona had been long besieged by them, and was reduced to such straits, for want of ammunition and provisions, that there was every reason to hope for its speedy surrender, provided the French were not able to supply it with what it so much stood in need of. This the French determined to attempt by sea : it is not easy to conjecture on what account they preferred sending relief to Barcelona from Toulon by sea, to the shorter and safer way of relieving it, by land, across the eastern Pyrenees, directly from France. It

may be, indeed, that Bonaparte was anxious to give his fleet another chance of escaping the vigilance and skill of the English ; so that, if they should be so fortunate as to finish their voyage un molested, the confidence of his sailors, as well as their seamanship, might be increased and improved.

However this may be, the French admiral Bauden, who had been raised to his rank on account of his having captured, with a very superior force, an English frigate, had orders to attempt the relief of Barcelona. For this purpose he sailed from Toulon, towards the end of October, with three sail of the line, four frigates, and 20 large transports. As soon as they were discovered, lord Collingwood gave orders to admiral Martin to chase them. The sight of the English fleet was the signal for the French to fly. The line-of-battle ships, and one of the frigates, ran ashore between Cette and Frontignan, and were set on fire by their crews, to prevent them from falling into our hands. The transports separated from the men of war, and took shelter in the bay of Rosas, where, under the shelter of an armed store-ship, two bombards, and a xebeck, they seemed to regard themselves as safe from the attacks of British valour. But in this they were disappointed ; and the manner in which they were attacked and destroyed, does great credit to the coolness and judgement of the officers, and exhibits, in its genuine colours, the characteristic bravery and enterprise of the sailors.

On this expedition, captain Hallowell was employed by lord Collingwood. Finding it impossible to get near the transports with the ships which he had with him, the captain dispatched his boats, under

der the command of lieutenant Tailleux. The enemy were prepared for his reception. The largest of their vessels was rendered almost inaccessible by means of boarding-nettings stretched all round it. Gun-boats were stationed before her, for the purpose both of giving the alarm, and protecting her. But their means of defence were rendered unavailing, by the cool and steady bravery with which the judicious plan of attack was carried into execution. Each boat had its station and object allotted it: to this they pushed on, filling the air with their animating cheers: the armed ship was boarded, at once, at all points: the resistance, though spirited and general, was of no avail: the numbers of the enemy, though found to be double what our sailors expected and were prepared for, were not able to cope with British seamen, determined to carry through what they had once set their courage upon. Nothing appalled them; the guns from the castle, the forts, and the gun-boats opened on them, but in vain. Notwithstanding all this opposition, and in sight of a shore crowded with spectators, destined to be witnesses of the humiliation of their countrymen, and of the resistless bravery of our sailors, every ship and vessel was either burnt or brought off. In this action we had 15 killed and 55 wounded.

The naval transactions of this year, few and trifling as they are, when compared with the exploits of Britain in her own element at former periods, by no means detract from the reputation of her sailors. They were few and trifling, only because the enemy had lost already nearly the whole of his navy; and because, of the few

which still remained, his experience of our superiority rendered him extremely careful.

In the West Indies the success of the British arms was complete wherever they were directed. On many accounts it was deemed advisable to attempt the reduction of Martinique. This island had long been a safe shelter for privateers, by which our trade had been in a very considerable degree annoyed. The capture of this island was also a part of a plan judiciously and politically formed, for the purpose of depriving the French of all their possessions in the West Indies. The reasons on which this plan was adopted are obvious and strong; besides weakening the French power, it is evident, that if all the West-India islands are brought into our possession, the Americans will no longer be able to furnish France and the states of the European continent under her dominion, with colonial produce. Thus will they be made to feel more deeply the bad effects of the war, while at the same time one cause of difference between us and America will be cut off.

Viewed in this light, the reduction of the French West-India islands is wise and politic; but it may be questioned, whether, independently of these considerations, it is desirable. One consequence resulting from their reduction is, that British capital is expended in their improvement; and the French have more than once boasted, that at the conclusion of a war they have received back their colonial possessions, much ameliorated by the outlay of British skill and capital. There is another evil, arising from peculiar, and, it is to be hoped, temporary causes, which may

may appear to characterize our reduction of the enemy's colonial possessions as impolitic. By adding them to our possessions, we must necessarily increase our stock of colonial produce, already much too great for the demand, and thus eventually injure the proprietors of estates in our own islands. —Such is a slight and brief view of the advantages and disadvantages attending the extension of our empire in the West Indies.

The reduction of Martinique was rather tedious than difficult. The principal place which the enemy defended was Mount Sourrier; and this it was absolutely necessary for our troops to gain possession of, in order to carry on their operations against Fort Bourbon. Accordingly there was some hard fighting at Mount Sourrier. The enemy repeatedly charged our troops; but here, as in every other action, where the bayonet has been employed, the superiority of the British soldier in cool and undaunted valour was eminently conspicuous. The French were entrenched on the heights, and were protected by light artillery: from this strong position, however, they were driven; and thus Fort Bourbon was completely laid open to our attack. In 27 days from the time of the departure of the expedition from Barbadoes, the whole island of Martinique was brought under the power of the British; and it ought to be remarked, that though there were few opportunities or occasions for the display of much active courage, yet, from the incessant rains, which during the short campaign deluged the island, they had to undergo those evils which require patience and fortitude, and which have been

known to break down a British army, that would have stood firm and unassailable before a very superior enemy.

About the same time that the expedition sailed from Barbadoes against Martinique, captain Yeo, of the navy, at the head of some English and Portuguese troops, attacked the French settlement of Cayenne. No resistance appears to have been made; and the colony was consequently surrendered to the united forces of Great Britain and Portugal. From the tenure of several of the articles of capitulation, the prince regent is represented as the future possessor of the colony. The only thing worthy of remark, connected with this easy conquest, is the reason assigned by Victor Hughues, the French commander, for yielding it up so readily and soon. Although the advanced posts had been carried, and the garrison were compelled to take refuge in the town, yet the French commander expressly declares, that he could and would have held out, had not his opponents threatened to have recourse to the destructive system of liberating all the slaves who should join them.—By express order of Bonaparte, a military inquiry into the conduct of Victor Hughues was held in France: he was accused of not having put the colony of Cayenne into a proper state of defence;—of having delivered it up much sooner, and more easily, even than its imperfect state of defence required;—and of having been actuated to this, by a wish to spare his own plantations and property: of the last charge he was declared innocent; but he was found guilty of not having put the settlement into a proper state of defence, and of having

having not proportioned his resistance even to the weak state of the garrison.

In the beginning of July, general Carmichael sailed from Jamaica, for the purpose of cooperating with the Spaniards in the reduction of the city of Saint Domingo. At first, the French general Barquier, who commanded the city, expressed his determination to abide by his instructions, which ordered him not to surrender; but when general Carmichael made judicious and decisive preparations to carry the place by assault, the governor thought proper to capitulate. The garrison were allowed to march out with the honours of war:—the officers were sent to France on their parole, and the private soldiers were considered as prisoners of war.

So far as regards military transactions, the affairs of the West Indies were favourable and prosperous; but in another point of view they were by no means satisfactory. The island of Jamaica discovered, soon after the abolition of the slave-trade, strong and unequivocal symptoms of dissatisfaction with the mother country. The principal inhabitants were displeased, not merely on account of the injury they apprehended from that measure, but also because they conceived that, in abolishing the slave-trade, the mother country had interfered with the privileges and rights of their own provincial assembly. In this irritated and jealous state of mind, it was scarcely to be hoped that fresh causes of disgust and dissatisfaction would not either actually arise, or be imagined to exist. During a mutiny which took place in a negro corps, two officers were slain. As no coroner's inquest was held, the legislature of the island requested

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the governor to lay before them the military proceedings which had been carried on against the offenders. This the commander-in-chief peremptorily refused; at the same time prohibiting all military persons from answering any questions that might be put to them by the legislative body, on the subject of the mutiny. Upon this the assembly entered into several strong resolutions, the amount and purport of which were, that as their powers in Jamaica were similar and equal to the powers of the parliament in Britain, they had an undoubted right to examine all papers and persons respecting any subject under their investigation; and as the commander-in-chief had been guilty of a breach of the privileges of the assembly, their speaker issued a warrant, requiring his attendance at their bar. To this warrant the commander refused compliance; and the governor expressed his approbation of the conduct of the commander. In consequence of this, the assembly, after having issued a warrant to take the former into custody, and entered some strong resolutions respecting the conduct of the latter, determined to proceed to no other business till reparation had been made them for the breach of their privileges. The governor was equally firm and determined: finding that the assembly would not carry on the business of the island, he prorogued it in a short speech, wherein he stated his determination to bring the circumstances and nature of the dispute before the British government. The difference was afterwards made up, or rather permitted on both sides to die away; but there is too much reason to fear, that the feelings which produced or fomented it, still cling

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round the hearts of the members of assembly.

In the East Indies there appeared, at one time, a probability that a rupture would have taken place between us and Persia. Bonaparte, for the purpose either of actually preparing the way for an attack upon our East-India possessions, or merely of alarming us, had dispatched not only diplomatic agents, but several French officers, to the Persian court. They had been received with so much favour, that lord Minto seems to have prepared for an expedition against that empire: in order, however, if possible, to avert the necessity of this measure, and at the same time to destroy the French influence, sir Harford Jones was sent to the Persian court. Respecting the measures pursued by him, there seems to be some obscurity; at least lord Minto seems not to have approved them; and, it is to be hoped from motives springing solely from a regard to the honour of his country, to have been preparing for war at the very time our ambassador was successful in destroying the credit and authority of the French, and in procuring the mission of a Persian ambassador to the court of St. James.

Our military operations in the East Indies were this year very confined, and of very trifling importance. A dispute arose between the governor of Travancore and the British president; in consequence of which the troops of the dewan made an attack upon our lines at Quilon, and succeeded so far as to compel our men to confine themselves, and take refuge within the fortifications of Cochin. The dewan of Travancore endeavoured to persuade the rajah of Cochin to join in the attack against us; but not succeeding, he put him to death: his successor, more

complying, cut off the communication between our troops and the interior of the country. In consequence of this state of things, a detachment, consisting principally of native infantry, was sent, who stormed, in the most gallant and successful manner, the lines of the Barner, and in a short time reduced the insurgents to submission and order.

Disturbances of a different nature, and of a much more serious aspect, broke out this year in India. Sir John Cradock, when he was commander-in-chief on the Madras establishment, being desirous of introducing and enforcing some economical arrangements, turned his attention first to a contract, by virtue of which tents were furnished by those officers who commanded native troops. In order that he might gain proper information and grounds to proceed upon, he directed colonel Munro, the quarter-master-general, to draw up a report upon the subject, and present it to him. In this report, the quarter-master-general advised the annulling of the contract, and founded this advice on allegations which were deemed dishonourable to the officers of the native corps, inasmuch as they went to charge them with neglecting, from motives of interest, to place and keep their respective corps in a state fit for field service.

In consequence of this, the officers of the native corps drew up several strong and pointed charges against colonel Munro. The commander-in-chief on the Madras establishment, general Macdowal, determined to prosecute the quarter-master-general on these charges; while the civil government, at the head of which was sir George Barlow, resolved to defend him. In reply to a letter from general Macdowal

Macdowal to colonel Munro, ordering him to be placed under arrest, the latter points out the hardship and injustice of a commander-in-chief placing under arrest an officer holding one of the first situations under government, on account of a report which had been drawn up at the special request and direction of the preceding commander-in-chief; and which had received his entire approbation, as well as the approbation of the supreme government. Colonel Munro at the same time expressed his wish to refer the matter to the civil government at Bengal; and on the commander-in-chief's refusing to accede to that wish, he did himself communicate his arrest and the cause of it to the civil government.

The governor in council found it necessary to issue an express and positive order for the release of colonel Munro before the commander-in-chief would take off the arrest. When thus obliged to release colonel Munro, general Macdowal, in his general orders, censured his conduct, and immediately afterwards took leave of the army, and embarked for England.

It was now hoped that all differences between the civil and military government of Madras would have subsided. In order that nothing might be wanting on his part to bring about the desired reconciliation, sir George Barlow issued general orders, in which he explained and vindicated, in a cool and temperate manner, the measures pursued by the governor in council, while at the same time he endeavoured to conciliate the officers who had conceived themselves aggrieved by the report of the quarter-master-general. The army, however, were not appeased; and the governor considered it necessa-

ry to suspend colonel Capper and major Boles. To the former the army voted 2,000*l* a year, and to the latter 1,500*l* during their suspension, as a proof of their sense of their services, and as some recompense to them for their loss of situation. The quarter-master-general was still the object of their attack and persecution; and when it was discovered that sir George Barlow was determined to abide by that officer, and to set himself decidedly against his opponents, every opportunity and occasion were eagerly and triumphantly seized upon, by which the animosity and dislike of the officers to the governor could be manifested. All his invitations to dinner were refused or slighted in the most public and provoking manner; and matters were at length carried to such an extremity, that very fatal and serious consequences were justly apprehended.

Besides the cause of difference between the civil and military government, arising from the report of the quarter-master-general, there were other causes which tended in no slight degree to keep alive and extend the disputes. The civil government had deemed it proper to direct that a retrenchment should take place in certain allowances for rice money, termed *beta*, usually made to the military, without giving them any compensation. The impolicy of this measure is evident; it ought to have been carefully avoided at all times, and more especially at a period when jealousy and discontent had already taken root among the military. The officers also complained that general Macdowal had not been allowed a seat at the council board, to which they contended he was entitled, in virtue of his rank and office as commander-in-chief.

Having gone thus far, and felt their own strength, the officers on the Madras establishment drew up a memorial addressed to the governor-general, in which they enumerate their grievances, and point out their wishes and expectations. The former are, the exclusion of general Macdowal from a seat in the council;—the release of colonel Munro from a military arrest by the authority of the civil government;—and the removal of colonel Capper and major Boles from the respective offices of adjutant and deputy adjutant-general. What they declare they wish for, and seem to expect, is the removal of sir George Barlow from his situation as governor of Madras.

In the memorial, the army at large is invited to deliberate on the measures which had been adopted by the government of Madras; and the consequence that would result, if the supreme government should hesitate to comply with the wishes of the memorialists, by removing sir George Barlow, are held forth, not in the most respectful manner, or in ambiguous language, in the following sentence:—"They (the memorialists) cannot suppress the expression of their concern at the manner in which the exclusive rights of the army have recently been violated, and of their sanguine hope and earnest entreaty, that the supreme government may, in its wisdom, be induced to appease their just alarms, and *to anticipate the extreme crisis of their agitation*, by releasing them from the control of a ruler whose measures, &c."

In this perilous crisis, lord Minto, the governor-general, published a dispatch, addressed to sir George Barlow, but, in reality, meant for the refractory army. This dispatch it may perhaps be necessary

to consider at some length in our next volume, as it does not properly belong to the transactions of the present year: we may, however, just observe, that it is far too prolix;—that much of the matter it contains is very irrelevant, or but slightly and remotely connected with the main subject;—that the whole tenor of it is little calculated to produce any beneficial effect;—and finally, that in the crisis to which the disputes had arisen, other measures, of a more prompt and decisive nature than a long dispatch containing little to the purpose, and that little overloaded with words, ought to have been adopted with the utmost activity and vigour.

It has long been the opinion of many enlightened politicians, that we hold our East-Indian possessions by a frail and precarious tenure: besides those causes which, by a slow and gradual, but regular and unerring operation, tend to separate all distant colonial possessions from the parent state, there are others peculiar to our East-India territory, which most probably will accelerate the separation. Surrounded on all sides by nations who behold us with a jealous eye, and whom, by defeating them, we have taught no small portion of European discipline and skill; depending in a great measure for the protection of our unwieldy empire upon the assistance of native troops, who must pant after the moment when they shall be able to employ those tactics, which our officers have introduced among them, in the service and for the liberation of their native soil;—it would require the utmost wisdom and unity in our councils to preserve our Indian empire. But here again we may trace causes, which, instead

stead of checking and retarding, will hasten the separation of this part of our territory. The views and interests of the court of directors, and of the board of control, between whom are divided, in no clearly nor exactly defined manner, the management and government of our East-India possessions, are often at variance: while the person to whom the chief command is allotted on the spot, not being a military man, cannot be supposed to possess that confidence and attachment of the military, which at so great a distance from the parent state are so desirable and necessary. Nor should we endeavour to hide from our apprehension, when considering this important subject, that Bonaparte, ever watchful and active where Britain may be injured, will lend his powerful aid to the causes which we have just enumerated as likely, at no very distant period, to deprive us of our East-India possessions.

Our differences with America, instead of being brought to an amicable termination, have this year become wider and more confirmed. All the circumstances and causes which have tended to this unfortunate issue are not yet distinctly before the public; but, so far as they are, the following may be regarded as a brief and impartial abstract of them.

For the purpose of removing one of the most objectionable and irritable parts of our orders in council, new regulations were made by the board of trade in the beginning of April. By these regulations all neutral vessels were declared at liberty to trade with any port, except those in a state of blockade: the blockade was expressly defined to comprehend the whole line of

the coast of France, Holland, and the parts of Italy under the dominion of France. By these regulations, America was permitted to trade directly with Russia, Denmark, and the ports of the Baltic. It was declared that if any American vessels should be brought in under the former orders in council, they would be immediately liberated without trouble or expense.

In consequence of this suspension of our orders in council, Mr. Maddison, who had been elected president of the United States in the room of Mr. Jefferson, issued a proclamation, allowing the intercourse of America with France. To this measure he was also in part led by the proposals which were made to the American secretary of state by Mr. Erskine, our ambassador there. Mr. Erskine assured the American government, that the British cabinet were willing to make honourable reparation for the unauthorized attack upon the Chesapeake, and to withdraw entirely the orders in council of January and November 1807, so far as respected the United States, under the persuasion that the president would issue a proclamation for the renewal of the intercourse with Great Britain.

On the adjustment of the differences, by Mr. Erskine, on these terms, the American merchants immediately began to prepare to renew their usual direct and uninterrupted communication with the continent of Europe. The British merchants also were congratulating themselves on the speedy and certain prospect of having the trade to America again fully opened to them; when they were informed by the lords of council, that the arrangements entered into by Mr. Erskine with the American government, were unauthorized by his instruc-

tions, and that, therefore, his majesty did not deem it proper or advisable to carry them into effect. They were, however, at the same time assured, that the British government were extremely anxious to adjust finally and speedily the existing differences; and that, for that purpose, explanations, conceived in an amicable spirit, and carried on, on the part of Great Britain, in the most candid and friendly manner, would immediately be entered into.

There could be no doubt that Mr. Erskine had acted in a manner by no means warranted by the instructions which he had received from his court. By these instructions he was ordered to declare to the American government, that it was not the disposition or intention of the British cabinet to revoke their orders in council, as far as they respected the United States, unless they agreed to the following conditions:—

1st. That on the mutual annulment of the non-intercourse act with this country, and the orders in council as they regarded America, the government of the United States should still keep in force the non-intercourse act against France.

2d. That the American government should permit and authorize the navy of Great Britain to aid in enforcing the non-intercourse act against France:—and

3d. That the United States should renounce, during the war, the right of carrying on any trade with any colony belonging to the enemy of Great Britain, from which they were excluded during the peace.

Mr. Jackson was sent out as ambassador to America, in the stead of Mr. Erskine, who was recalled; but on his landing he experienced, first the insult of the

mob, and afterwards the inamiable disposition and ill-will of the government. The president, in his speech at the opening of the session of congress, complained, in no very mild or conciliating terms, of our cabinet, for not having sanctioned an agreement entered into by its own ambassador, upon the faith of which the Americans had immediately begun to act. The correspondence that was carried on between Mr. Jackson and Mr. Smith, the American secretary of state, displayed still more rancour and bitterness. As the latter charged, in a very peremptory manner, the British government with want of faith, Mr. Jackson conceived himself bound to repel the charge. This he did in a most effectual manner, by proving that Mr. Erskine had acted contrary to his instructions, and that Mr. Pinckney, the American ambassador in London, knew he had acted so, as Mr. Canning had read the entire instructions to him. Mr. Jackson went further, and asserted that the American government itself was acquainted with the nature and tenor, if not with the very words, of Mr. Erskine's instructions, at the very time they concluded an arrangement with him, which they knew those instructions did not only not warrant, but absolutely forbade him to enter into it.

This charge, which fixed on the American government that duplicity and want of faith they were so eager to brand our cabinet with, was received with more than usual bitterness by Mr. Smith: he utterly denied it; but it was admitted by the president, and proved by Mr. Jackson, that the substance of Mr. Erskine's instructions had been laid before the American government;—that Mr. Smith himself had

had substituted the terms of arrangement to which Mr. Erskine had without authority acceded, in lieu of these which his instructions ordered him to insist upon;—and that Mr. Erskine had confessed that he had acted contrary to his instructions.

The American government was highly offended at the repeated assertion made by Mr. Jackson, that they had been put in possession of Mr. Erskine's instructions; and at length officially announced to him, that as he did not appear to be commissioned or empowered to treat on the points in dispute between the two governments, but seemed to have been sent solely for the purpose of charging the government of the United States

with having formed an arrangement which they knew at the time was unauthorized, and would not be sanctioned by the British cabinet,—they must decline all further communication with him.

In reviewing these transactions, a candid and impartial man, who at the same time is anxious for the preservation of peace between the two countries, will not fail to acknowledge and lament the pertinacity with which Mr. Jackson brought forward the harsh and unpleasant charge; while in the matter as well as in the style of the American secretary's letters he will detect a spirit by no means friendly to the British government.

CHAPTER X.

British Affairs concluded—Contrast between the Plan of Military Operations pursued by Bonaparte, and that of the British Cabinet—Expedition under Sir John Stewart to Naples—attended with no Success—Causes of its Failure—Ministers resolve to invade Holland—Remarks on that Plan.—On the Equipment of the Expedition—On the Character of the Commander—Proceedings of the Army—Investment and Capture of Flushing—Effects of the tardy Mode of carrying on the Operations—The principal and ultimate Objects of the Expedition obliged to be given up—Pestilential Sickness among our Troops in Walcheren—Indecision of Ministry with respect to retaining the Island—Its Evacuation—Disappointment and Indignation of the Country—Duel between Lord Castlereagh and Mr. Canning—His Lordship's Statement—Mr. Canning's Reply—Observations on them—The Ministry broken up—Lords Grey and Grenville refuse to join it—New Ministry—Jubilee—Meeting of Common Council—Their Address—His Majesty's Reply.

THE plan of military operations uniformly pursued by Bonaparte, and that which this country has acted upon, whenever its armies have attempted to oppose and turn the current of his

success on the continent, have been as opposite in their principle and nature, as they have unfortunately been in their consequences and effects. His plan is marked by simplicity and unity: in one strong, undivided and irresistible mass, he directs his powerful and well disciplined armies against the most vulnerable and essential part of his enemy's dominions: towards this, he steadily and unweariedly bends his purpose and his efforts: he permits nothing to draw aside his intention or interrupt his aim: having inflicted a mortal wound, by planting his dagger in the very heart of his opponent, he turns at his leisure to subordinate and inferior objects, convinced that he has now only to stretch out his hand to obtain and secure them.

The success which has invariably attended this line,—and which indeed must have been foreseen the moment it was known that he had adopted it, and possessed sufficient clear-sightedness and perseverance, aided by sufficient power, to follow it to its natural and unavoidable consequence,—it might have been supposed, would have induced his enemies to have acted on the same principle. That this was not the case, the history of the wars by which Russia, Prussia and Austria have fallen before the genius and the power of Bonaparte most fully and fatally demonstrates. Yet it might have been hoped, that the British cabinet, less attached and devoted to precedent and established usage than the continental cabinets, and having before its eyes not only the good effects resulting from Bonaparte's plan of military warfare, but also the evils attendant upon the plan of operations pursued by its continental allies, would have

endeavoured and been anxious to adopt, as far and fully as circumstances would admit, the new and improved mode of carrying on the war. In some very important respects, Britain possessed peculiar and very important advantages: by the superiority of her navy, and the immense number of transports she possesses, she always has it in her power to send at no risk, and in a short space of time, a large force to any point, and for any purpose, that may be deemed most advantageous to the cause of her allies.

Little doubt can be entertained, that if Britain had sent a numerous and *well-generalled* army into the north of Spain, at the time when sir Arthur Wellesley was sent into Portugal, the remnant of the French troops, after the defeat and surrender of Dupont, might have been driven across the Pyrenees, and those barriers against invasion so completely possessed, and so strongly defended by the united English and Spanish forces, that it would have baffled the utmost power of Bonaparte again to have obtained a footing in the peninsula. This opportunity, however, was lost; it may be, as much through the inactivity and unwillingness of the Spanish government, as through any fault in the plan of operations and the point of attack determined upon by the British cabinet.

When the war broke out between France and Austria (of which we shall give the details in a subsequent chapter), it was the avowed intention of ministry to lend a powerful aid to their ally. The former administration had been so often held up by them, while they formed the opposition, to the ridicule and contempt of the nation, on account

of their having neglected what was supposed to have been a favourable opportunity of aiding Russia and crushing the power of Bonaparte, just before the battle of Eylau, that it was peculiarly incumbent on them to take an active and distinguished part in the war between Austria and France. The administration of which Mr. Fox was the leader, had declared in plain and strong language their dislike of diversions in favour of our continental allies; and had consequently abstained, perhaps with too rigid and unbending an adherence to their opinion, from assisting Russia during the war in which she was engaged against France. The ministry who succeeded them, thought that Britain might still, notwithstanding the immense increase of power and territory which Bonaparte had obtained, and the consequent comparative inability of the continental powers to contend with him, lend no feeble or despicable aid towards the liberation of Europe, of which the war between France and Austria held out to them, but certainly not to the nation at large, a cheering prospect.

As they were thus determined again to commit the armies of Britain,—armies which had so often, in the final and lasting result of their operations, disappointed the hopes both of their countrymen and of the nations in whose behalf they were sent out; it was to be hoped, that every mistake of plan and operation,—every cause of failure, which had arisen from delay, inadequate equipment, or insufficient commanders, would have been scrupulously avoided. But, as if experience, however frequently repeated, or

attended with however many serious and disgraceful evils, was utterly incapable of impressing lessons of wisdom on public men; the British nation were again doomed to be disappointed;—and that at a time too when more favourable results might reasonably have been expected from the judicious and seasonable cooperation of our armies, than perhaps ever opened themselves to our views and hopes during any of the former revolutionary wars. In the midst of his victories over the troops of Austria;—after he had even gained possession of Vienna;—Bonaparte experienced a very formidable check, attended with an immense loss of men; at a great distance from his resources; in the midst of a hostile country; while Germany, from the Elbe to the Adriatic, was either already openly in insurrection, or anxiously waiting to rise, as one man, at the approach of a British army. This certainly was the time for cooperation, but not for diversion. This was the time to have wrestled with Bonaparte in person; to have turned the scale of victory, already inclining against him. Yet our ministers neglected the opportunity: in circumstances of an uncommonly favourable nature, and, it is to be feared, never likely to occur again, they adhered to their old plan of making a diversion; and when they ought either to have sent an army directly up the Adriatic, as near the grand scene of action as possible, or at least to have conveyed it to the expecting and roused inhabitants of the north of Germany, they contented themselves with invading Walcheren, and menacing Naples. When they ought to have planted the

the poniard at the heart of their opponent, they contented themselves with puncturing, with a feeble hand, his extremities. When the fate of Austria, and the freedom of Germany, alone should have occupied their thoughts, they sent one army to destroy a few ships, lest they should be employed in invading Britain; and another army to reinstate the unworthy monarch of Sicily on his Italian throne.

In the beginning of June, sir John Stewart, who commanded the British army in Sicily, determined to attempt the invasion of the south of Italy, and the capture of the city of Naples. For these purposes he prepared an expedition on as large and extensive a scale as his means would allow. When the bravery of the commander and troops, who had conquered in the glorious victory at Maida, were taken into the account, a result, splendid at least, if not decisively and permanently beneficial, was confidently looked forward to. The prevalent opinion in Sicily was, (what we have already stated), that the principal object of this expedition was to reestablish Ferdinand IV. on his continental throne: but sir John Stewart, in his official dispatches, asserts that his leading and paramount object was to make a diversion in favour of our Austrian allies. Proclamations were undoubtedly issued, calling upon the Neapolitans to forsake the standard of the usurper, to enlist themselves under the banners of their legitimate sovereign, and to receive the English as come for the express and only purpose of freeing them from French tyranny, and restoring them to the blessings of their ancient government.

Sir John Stewart embarked with

15,000 British troops; and he was soon afterwards joined by a body of Sicilian troops, under the command of one of the royal princes. The king of Sardinia had undertaken to aid this expedition with 6000 men; but from some unexplained cause they never arrived. In order that the object of this expedition might, if possible, be more completely and easily secured, the British general detached a brigade to reduce Lower Calabria, and after its reduction to join him over-land. This brigade appears to have partly succeeded in the object for which they were dispatched, as they took possession of the line of posts which the French had formed directly opposite Messina, and of which therefore it was of considerable importance to deprive them.

The island of Ischia was the first point of attack of the main army. The shores of this island, wherever they were accessible, were fortified in the strongest manner, with a continued chain of batteries: these, however, were turned by the British troops, and successively deserted by the enemy, who retired into the castle. The French commander held out here for six days; nor did he surrender, till a breaching battery had been erected against the works of the castle. The French garrison, which occupied Procida, also in the course of the same day surrendered to the British. This capture proved of considerable value and importance; since by means of it we were enabled to destroy or capture a large flotilla of 40 heavy gun-boats, in their attempt to pass in their voyage from Gaeta to Naples. Expecting to find shelter and cooperation from the

the artillery of the fortress of Procida, of the capture of which they were ignorant, they sailed through the narrow strait which separates the island from the main, and thus were either destroyed or fell into our hands. By the capture of the two garrisons and part of the flotilla; 1500 regular troops were made prisoners, and one hundred pieces of ordnance were taken.

So far our army had been successful. It appears also that they accomplished, in a trifling and unimportant degree, one part of their object. For on their first appearance on the coasts of Naples, a considerable body of men, who had been sent towards the North, for the purpose, there is reason to conjecture, of reinforcing the army in Upper Italy, were recalled; as well as the whole of the troops who had taken possession of the papal territories, in order to aid the plans which Bonaparte was about to put in execution there:—but it was soon found that the projected attempt on the continent and on the city of Naples must be abandoned; for, besides a large regular force which Murat had assembled for the protection of his dominions and capital, a large body of national guards had been formed and embodied. This latter circumstance was calculated to damp the hopes of success, even if a landing on the continent of Italy had been deemed prudent, and could have been effected with safety and success; for it certainly was expected that the Neapolitans would have received with gladness the British army, or at least have manifested such open and decided ill-will to their new master, as would have deterred him from putting arms in their hands. That the French usurpation was by no

means popular, there is good reason to believe; but there were several causes which naturally induced the Neapolitans to endure the tyranny of their new government, rather than join in any attempt made by the English to effect their liberation, and restore their legitimate sovereign. They remembered what happened after the battle of Maida; the massacre which followed the junction with the English at that time, when the latter were compelled, notwithstanding their victory, to desert them. And they anticipated similar cruelties from the French, if they should again unite with an ally, who could not carry through, to its utmost extent, and with permanent success, the object for which he came. It is also said, that the Sicilian prince, who accompanied sir John Stewart, was averse to any hope being held out to the Neapolitans, that a radical and beneficial change would take place, provided Ferdinand IV. were re-established by their means on the throne of his ancestors. Thus apprehensive that the English were not strong enough to expel the French, and to defend the Neapolitan territory from all future attacks; and having no incitement from the hope of being rewarded, by their legitimate sovereign, with the removal of any of their former grievances, in return for their co-operation, it is not to be wondered at if they remained indifferent spectators of the result, or even enlisted themselves under the banners of their French master.

Sir John Stewart, notwithstanding he was disappointed in his expectation and design of invading Naples, thought it advisable to keep possession of Ischia, in order that he might occupy the attention of

of the enemy, and prevent their sending reinforcements to the army of Upper Italy; and also that he might be ready to take advantage of any favourable circumstances that might occur. In order to attain these objects with more certainty and completeness, he dispatched a body of troops to take possession of Scilla castle. The attempt to reduce this important fortress was attended, in the first instance, with disappointment. When the operations had been carried on for some time, and were proceeding with every prospect of a speedy and successful termination, a very superior force of the enemy suddenly made their appearance, and compelled the officer who commanded the British detachment precipitately to raise the siege and embark for Messina. In consequence of the sudden appearance of the enemy, we were unable to carry off our stores or besieging train. A few days afterwards, however, the enemy, from some unknown and inexplicable cause, retreated again from the coast, after having blown up the works of Scilla. Our troops on taking possession of it not only regained their captured stores, but an immense quantity of stores and ordnance left by the enemy, which they had for a considerable time before been accumulating and depositing there, for the purpose of their long threatened invasion of Sicily. The enemy, however, again returned as suddenly and unexpectedly as they had quitted the fortress, and after four days possession the British were forced finally and completely to abandon it, as well as their other conquests.

Thus ended our expedition to the Italian continent; apparently

undertaken from very erroneous ideas of the French force in Naples, and of the disposition of the inhabitants. It detained for a short time reinforcements destined for the army of Italy:—this was the sum total of the benefit derived from it; while it undoubtedly tended to weaken the confidence and the hope to which the Neapolitans had long clung, that British valour, directed by British skill and enterprise, would free them from their invaders.

Soon after the commencement of the war between France and Austria, the British ministry began to make preparations for a very large and formidable expedition. Immense bodies of troops were marched from different parts of the kingdom to the coasts of Kent and Hampshire, from which the embarkation was to take place. The grateful intelligence that Bonaparte, after an unsuccessful attempt to drive the archduke from his position, had been compelled to recross the Danube with enormous loss, and that the insurgents in Germany had gained fresh spirit and confidence, and a considerable accession of strength from this defeat, induced the British ministry to hasten forward the expedition, and to render it still more formidable and complete than they had at first intended. Perhaps at no period within the recollection of the present generation, had such a numerous body of troops been collected for the purpose of invading the continent: they amounted to upwards of 40,000 men; and their operations were to be assisted by the powerful aid of between 20 and 30 sail of the line, besides a great number of frigates, gun-boats, bombs, &c.

Although ministers endeavoured

to keep the precise object of this expedition a profound secret, yet long before it sailed, the point of attack was known, not only here, but even to our enemies. Indeed almost the first clear and positive notice of the object on which it was about to be sent, appeared in the French newspapers; and it was afterwards declared by the French government, that so early as the month of April the governor of Flushing had orders to put that garrison in such a state of defence as might enable him to resist the attack of the English forces. It is probable, however, that when the expedition was first planned, and even till a short time before it sailed, the British ministry had other objects in view than the occupation of Flushing, and the destruction of the French ships of war which were understood to be in the Scheldt. They appear to have designed it to operate also as a diversion in favour of Austria; and thus at once to have secured an object exclusively British, and one the benefits of which would be experienced by our allies.

It might have been imagined, that the slightest reflection would have pointed out the folly of this double plan. If we ever expect to gain any advantage over Bonaparte, it must be by outstripping him in activity, and outwitting him by the secrecy and policy of our measures. But it is abundantly evident, that if our ulterior object had been, that our army after having destroyed the French shipping should have joined the insurgents in the north of Germany, and thus have acted as a powerful diversion in favour of Austria, that object would have been completely frustrated, by the time which would necessarily be taken

up in securing the first point. While we were employed in forcing our way up the Scheldt, Bonaparte, if he had entertained any very serious apprehension from our coöperation with the German insurgents, would have had sufficient time to have quelled them. If, on the contrary, we had directed our first efforts to forming a junction with them, we left the enemy time and opportunity to put his ships beyond the reach of any power we could bring against them. It may therefore fairly be concluded, that if ministers actually hoped to have secured both objects by the expedition, they grounded their expectations on a very slight and frail basis.

Besides, we should consider in what light an expedition, having this double object in view, would strike the German insurgents. They anxiously looked for our cooperation: we had frequently and earnestly called upon the continent to regard Britain as willing to attempt its liberation and independence, even at a great risk and expense. It is true, we had been represented as devoted too narrowly and exclusively to our own interests. The time seemed approaching, when this calumny might be wiped off. An opportunity never before known presented itself, for Britain to prove that the liberation of the continent filled the mind of her ministry so entirely, as to exclude all considerations of national interest. The whole of the north of Germany was in arms; the reputation of Bonaparte had experienced a severe shock; his progress was stopped. At this critical moment Britain had prepared a most formidable armament; by this, it was imagined, she might either destroy the feeble remains of the French navy, or

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lend a powerful assistance to the German insurgents. Had she been merely a match for the navy of France; or had there been even a remote chance that the ships in the Scheldt could put to sea, or, if they did, could escape the British fleets; then, perhaps, the continent would have had no right to expect that their interests should have been preferred. But, situated as Britain was, it must have galled and disappointed those who had risen in arms against Bonaparte, to perceive, that when we had it in our power to have assisted them, we preferred an object exclusively British, or even permitted that object to enter into our plans at the time we professed to wish well to the cause of the continent.

If, however, the British ministry ever seriously thought that they should be able, by means of the expedition, to attain both objects;—to block up or destroy the French fleet, and to create a powerful and successful diversion in favour of Austria;—they were obliged to forgo the expectation of the latter result, by the news which they received, previous to the sailing of the expedition, that Austria found it necessary to enter into an armistice with France, the nature of the terms of which too clearly proved that she was unable to continue the war. This intelligence necessarily confined the object of the expedition to the occupation of the islands at the mouth of the Scheldt, and the destruction or capture of the French ships of war.

Great praise is due to ministers for the complete manner in which the expedition was fitted out, in every respect; nothing seemed to be wanting to secure it as much

success as the nature of the enterprise on which it was about to be sent would admit of, but the appointment of an able commander. But here, unfortunately, the British ministry rendered unavailing and useless the formidable strength and the complete equipment of the troops. When it was known that the command was to be given to the earl of Chatham, the nation no longer looked forward to the result with confidence or hope; they durst not flatter themselves that the known gallantry of British soldiers would obtain the success it deserved, when directed and led on by a general whose very name was almost proverbial for inactivity and indolence.

After the troops were all embarked, and the transports and men of war were on the point of sailing, a contrary wind set in, and blew so strongly and steadily as to detain the fleet in the Downs nearly a fortnight. At length, on the 28th and 29th of July, it sailed. On the arrival of the army in the islands of Walcheren and South Beveland, situated in the mouth of the Scheldt, they found the enemy not disposed to make any resistance except in Flushing. This place lord Chatham immediately proceeded to invest. As the operation did not require, nor indeed admit of, nearly the whole of his troops, it would have been advisable to have dispatched the rest to execute the ulterior objects of the expedition. This, however, was not done; the unemployed troops were suffered to remain cooped up in the transports, instead of being sent against the forts of the Scheldt. By the capitulation of Middleburgh, it appeared that it was the design of our government to retain a permanent occupation

pation of the island of Walcheren; a measure unnecessary, or at least of little utility, if the French fleet had been destroyed, and which therefore seemed to point out that the commercial as well as the naval interests of Britain were to be consulted in an expedition which ought to have been directed solely to the good of our allies.

The conquest of Flushing was not of such easy and speedy achievement as was at first expected: by some neglect or remissness on the part of our commander, the enemy were enabled to send across from the opposite coast considerable reinforcements; and though they were defeated with great loss in every sortie they made, they were enabled to hold out so long, that, on the surrender of Flushing, it was not deemed advisable to proceed up the Scheldt. That a more enterprising general would have taken this fortress much more expeditiously there can be no doubt. But lord Chatham was not only indisposed to prompt and vigorous measures himself, but he was also averse to their being employed by the generals under him. In one of the sorties, the enemy were driven back so closely, and in such extreme confusion, that our troops could have taken the town by assault; but from this attempt they were withdrawn by the orders of the commander-in-chief.

Flushing was invested on the 1st of August, on the 13th the batteries were completed, and the frigates and smaller vessels having taken their respective stations, the bombardment commenced that day. The town suffered dreadfully, especially from the effects of Congreve's rockets; the fortifications were but little injured. General Monnet, who commanded, attempted

an inundation of the island; but it was not carried to such a length as materially to retard or impede our military offensive operations. On the 14th of August the line-of-battle ships cannonaded the town for some hours, with considerable effect: the enemy's fire ceased; and a summons was sent in: but some delay and difficulty having arisen, it is supposed from general Monnet's wish either to include some Irish troops in the capitulation, or to obtain time for their escape, the attack recommenced, and an advanced post was carried by the bayonet. The next day the enemy demanded a suspension of arms, which was succeeded by the surrender of the town; and the garrison, amounting to more than 4000 men, were made prisoners of war.

Soon after the surrender of Flushing, a rumour reached England, that no ulterior operations would be undertaken. Nothing, however, appears to have been decided till the 27th of August, when sir Richard Strachan, who commanded the fleet, having gone in person to learn lord Chatham's plans, was told that his lordship had come to a determination not to advance. While the British commander was slowly proceeding in the siege of Flushing, or hesitating after its surrender whether he should proceed up the Scheldt,—one day receiving intelligence that the enemy were feeble and unprepared, and resolving to advance; and the next day driven from his purpose by the intelligence that the forts on the Scheldt were strongly garrisoned, and a formidable army was assembled in the neighbourhood of Antwerp,—the French had been by no means idle. Every preparation had been made

made to oppose the passage both of our army and navy:—the interior of the Netherlands and of France as far as Paris had been stripped of the national guards; and an army numerous at least, if not formidable from its discipline and experience, had actually been collected for the defence of Antwerp and the shipping. The immense quantities of naval stores, with which the arsenals of that city had been filled, were either removed, or placed in such a state that they could easily be removed, if we should succeed in forcing a passage up the Scheldt; and preparations had been made for the purpose of conveying the ships so high up the river, as to put them beyond the possible reach either of our navy or army.

While the commander of our land forces displayed none of the requisite qualities of a general,—while by his delay and indecision he gave the enemy an opportunity of assembling a force sufficient to oppose our progress,—sir Richard Strachan acted with the usual promptitude and firmness of a British sailor. He offered in the most unqualified manner every assistance and cooperation which the navy was capable of affording; and he appears to have received with undissembled dissatisfaction and indignation the determination of lord Chatham to reject his proffered assistance, and to proceed no further.

The most melancholy and disastrous part of the history of this ill-judged and ill-conducted expedition remains yet to be told. Lord Chatham with the greater number of the troops returned to England. The remainder found it expedient to give up all their conquests, except the island of Walcheren. This it was resolved to keep, if possible,

for the purpose both of shutting up the mouth of the Scheldt, and thus preventing the sailing of the French fleet, and of enabling our merchants to introduce British manufactures into Holland. But from this island, the sole fruit of a most expensive expedition, we were doomed to be driven by an enemy more cruel and destructive than the French. It was notoriously unhealthy. The French troops who had garrisoned it had suffered dreadfully from a pestilential sickness. Though they had been ignorant of this, our ministry might have learnt from the inhabitants, or they might have conjectured from the nature of its situation and climate, that it would prove a grave to our troops. Here, however, they were ordered to remain, and consequently were doomed to perish. Ministers discovered the same indecision as lord Chatham. When the fatal malady appeared to be suspending its ravages, they resolved to retain possession of the island. At an enormous expense they sent out materials for building barracks and repairing the fortifications;—provisions and even water for the troops were obliged to be furnished from England. The malady continued and increased: they paused in their proceedings, and seemed inclined to evacuate the island. The frost set in; the deaths were not so numerous. Again they clung to their dearly bought conquest. At length, after by far the greater proportion of our forces had either died of the pestilential disease or been rendered by it incapable of performing their duty, the fortifications, which had been repaired at a great expense, were destroyed; and the island was evacuated, in the sight of an enemy, who, knowing that the ravages of disease

disease would render any attack upon us unnecessary, took no measures to expel us from our fatal conquest.

The failure of this expedition had been so indisputable and egregious; it had been attended with consequences so disgraceful to the British ministry, and so disastrous as well as provoking to our brave soldiers, that only a very few voices were feebly held up in mitigation of the censure, which was strongly and generally passed upon those who had planned and him who had directed the execution of it. Indeed the causes to which the failure might justly be attributed were so palpably evident, and were so easily and directly traced up, partly to ministers, and partly to the commander in chief, that the only difficulty and doubt was, respecting the due apportioning of the blame and the consequent indignation of the people. It was said that the expedition would have succeeded, if unforeseen and unexpected circumstances had not arisen, and opposed an insurmountable obstacle to its success. But was it not known that the coast of which our army was to gain possession was strong from nature and art? Might it not have been foretold, that by directing our first efforts against Flushing, instead of pushing directly forward to the grand and main object in view, the arsenals of Antwerp, and the shipping there, would by the delay be placed beyond our reach or our power? Above and before all, ought not ministers to have known, that by the appointment of such a man as the earl of Chatham, they blasted every expectation of success, which might otherwise have been derived from an expedition not only of the greatest force and most completely

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equipped, but destined to act upon the best-digested and wisest plan? Instead of calling for approbation on account of the magnitude and equipment of the expedition, they ought to take shame and remorse to themselves, for having rendered, by the simple act of the appointment of a commander, their own plans of no avail, and fruitlessly lavished the blood, the treasure, and the military resources of the nation.

The attention of the British people was soon called off to two circumstances; one of which was calculated to divert their indignation, and the other to suspend it for a short time:—we refer to the disputes among the ministry, and the celebration of the jubilee, held in honour of the king's having entered on the fiftieth year of his reign. It had been long suspected and rumoured that the members of the British cabinet by no means agreed among themselves. The failure of the expedition against Walcheren called forth these disputes into a public act of a most disgraceful nature. On the 22d of September, a duel took place between lord Castlereagh and Mr. Canning, two members of his majesty's cabinet, holding the highest official situations in the state, the former being secretary for the colonial department, and the latter secretary for foreign affairs. The first fire was without effect; and as the nature of the difference did not appear to the combatants to admit of explanation or apology, they fired at each other a second time, when Mr. Canning received his antagonist's bullet in his right thigh.

This duel was preceded and immediately occasioned by a letter from lord Castlereagh to Mr. Canning. In this letter his lordship ac-

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cuses Mr. Canning of having clandestinely endeavoured to procure his removal from his situation, and of having obtained a positive promise to that effect from the duke of Portland. His lordship declares that he would not have deemed the conduct of Mr. Canning improper or unfair towards himself, if he had not concealed his intention from his lordship, who, as the person most interested, ought explicitly, and at first, to have been made acquainted with Mr. Canning's proposal for his removal. On the contrary, Mr. Canning, notwithstanding he had declared his conviction that lord Castlereagh was unfit for his situation, and had thereupon prevailed upon the duke of Portland to consent to his removal, continued to treat his lordship as if he still possessed his confidence and good opinion, and permitted a minister, whom he had denounced to the 'premier as incapable, to plan and carry into execution the most expensive and formidable expedition perhaps ever sent from the British shores.

Lord Castlereagh added, that he was aware Mr. Canning might urge that he himself was anxious that his proposal for the removal of his colleague might speedily be decided upon, and that he had actually pressed the duke of Portland to carry it into execution; but that his grace, and some other members of the cabinet, supposed to be his lordship's friends, had resisted the proposal. This, however, did not, in his lordship's opinion, justify Mr. Canning in concealing his proposal from his colleague, and still less in acting towards him in such a manner as if he continued to possess his confidence. The unjustifiable and clandestine manner in which Mr. Canning proceeded

towards the accomplishment of an object, against which lord Castlereagh declared he had no right, and should have felt no inclination, to have expressed any resentment, if Mr. Canning had acted openly, and called for the removal of his colleague on public grounds,—laid his lordship under the painful necessity, in order to vindicate his character, of calling for that satisfaction which he conceived himself entitled to claim.

Soon after the duel, a more full and particular statement of lord Castlereagh's grounds of complaint against Mr. Canning appeared, which is generally supposed to have been drawn up by one of his lordship's particular and most intimate friends, and to have been made public under his direction and authority. As far as this statement relates to what may, strictly speaking, be called the personal grounds of difference, (if on such a subject, and between men holding such high and responsible situations, a distinction may be made between personal and public grounds,) it adds little to what is contained in the letter which immediately preceded the duel. But in other points of view it is deeply deserving our serious attention. From the letter it appears that Mr. Canning not only behaved in a manner towards lord Castlereagh which was far removed from that openness and candour which one gentleman expects and is accustomed to receive from another; but that he so far forgot his duty as a public minister, and so utterly abandoned or sacrificed the honour and welfare of the country, which, in that capacity, it was above all things incumbent upon him to have studied and pursued, that he gave his confidence and co-operation to a colleague, whom he had

had denounced to the premier as incapable of performing the duties of his office;—and that too, not at a time when the regular and comparatively inconsequential business of his office was to be performed; but when an expedition, which had cost the nation an enormous sum,—which was destined to the accomplishment of an arduous undertaking,—which was composed of the choicest troops of Britain,—and on the issue of which depended not only the lives of thousands, but the retrieving of that reputation for military skill and enterprise which had, in the short space of three years, received such repeated and dreadful shocks, from our failures at Buenos Ayres, in Portugal, and in Spain,—was to be planned, equipped, and carried into effect.

The statement to which we have adverted, presents to our astonished and indignant sight another instance of ministerial intrigue, equally disgraceful, and highly prejudicial to the interest of Britain and her allies. It positively and unequivocally asserts, that there was delusion practised, not only with regard to the removal of lord Castlereagh, but also with respect to the appointment of lord Wellesley to be ambassador in Spain. Although his lordship was gazetted for this appointment in the beginning of May, yet he delayed setting out for Spain till after the expedition to the Scheldt had sailed, and thus arrived too late to be of any use to the cause of our allies. This delay in his setting off, the statement ascribes to his having been promised and designed by Mr. Canning to succeed lord Castlereagh as secretary of state in the war department.

Against such serious charges, equally implicating Mr. Canning

as a gentleman and a public minister, the nation naturally expected a prompt, if not a satisfactory reply. But nearly a month elapsed from the time of the duel before Mr. Canning deigned, or found himself prepared, to enter on his defence. In the mean time the ministry was completely broken up. The duke of Portland gave in his resignation, on account of his age and infirmities; and lord Castlereagh and Mr. Canning resigned, but not officially and formally till after the duel had taken place.

At length Mr. Canning's statement made its appearance. It was plain that unless he could deny the facts alleged against him by lord Castlereagh, he would not be able to remove, or even to weaken, the unfavourable impression which the public mind had received against him: and yet he had much in his favour, he was looked up to, as a man of nice honour and direct dealing; while his opponent had long been the bye-word of a great portion of the nation for flexibility of conduct and love of place. But not all the respect entertained for Mr. Canning's former conduct, aided as it was by the prejudice against lord Castlereagh, was of service to him in this instance. Lord Castlereagh's statement was simple, and plainly told: it urged facts, with respect to his colleague, which, if they could not be positively contradicted, admitted of no excuse; from the circumstances in which they occurred, or the motives from which they sprung.

Mr. Canning allows that the proposal and plan for lord Castlereagh's dismissal continued from Easter till September; but he contends that it was entirely owing to his lordship's friends that the actual dismissal was delayed till the

termination of the expedition to the Scheldt. The principal point on which he insists is, that he supposed his colleague knew that his dismissal was in contemplation, and that it originated with him. But was it not the duty of an honourable man, and ought it not to have been his first and most anxious care, to have himself informed lord Castlereagh, that *he* thought it incumbent upon him to propose his dismissal; and that *he* had actually obtained a promise that it should take place? Mr. Canning did not do this; but contented himself with recommending and committing the communication of the ungrateful intelligence to one of lord Castlereagh's friends. He wished his colleague to be prepared for his dismissal: he was afraid of hurting his feelings, if it should be made known to him in an indiscreet and hurried manner. But did he imagine the noble lord destitute of those feelings which would be wounded at the unfolding of secret machination; and at the knowledge that he, who had constantly met and received him with unaltered countenance and language, was actually planning his dismissal, because he deemed him an unworthy and incapable colleague? But Mr. Canning asserts, he naturally supposed that those who had undertaken to communicate the intelligence to lord Castlereagh had actually fulfilled their commission. Is Mr. Canning so inexperienced in reading the feelings and dispositions, as they impress themselves on the countenance and behaviour, as not to have found out, during his interviews with his colleague, whether he was really acquainted with the plan for his dismissal? He acknowledges indeed, that a short time previous to receiving the challenge he first

found out that lord Castlereagh was entirely ignorant of what was going on. Then, though it was too late to have wiped off suspicion, he ought to have taken the communication out of the hands of those who had neglected to make it, and have himself stated to his lordship, explicitly and fully, all that he had proposed to the duke of Portland, and all that had been agreed upon. But it is not necessary to multiply words on this subject. The line of conduct which Mr. Canning ought to have pursued was obvious and simple: it was chalked out to him by the usual practice of parliament; there no member ever makes a motion against another, till after he has given notice to the gentleman who is to be the object of it.

Mr. Canning afterwards, upon the demise of the duke of Portland, published a more circumstantial and minute defence of his conduct. In this he is not more successful than in the statement which we have already examined; it is therefore not necessary to attend to it, except so far as it points out how much the interests of the country were neglected and injured by the ministerial squabbles. It appears that such was the clashing of personal interest, or such the indecision and fickleness of ministers, that not fewer than four different arrangements respecting the business of the war department were resolved and unresolved upon, in the short space of as many weeks. While Bonaparte, with his usual decision and celerity, was penetrating to the very centre of the Austrian dominions, the British cabinet were unable to fix upon the arrangement of one of the offices of government!

Even the removal of an incapable minister, it appears from this statement

ment of Mr. Canning, was not to take place unless it could be reconciled to his feelings. It is scarcely possible to conceive of any thing more ridiculous, and at the same time more insulting to the nation than this. The lives, the treasure, the honour of Britain were deemed trifling, when compared with the wound which the feelings of lord Castlereagh might receive on account of his removal from office! The cause of the imbecility of our councils and our measures is now brought so fully out to open day, that he must be blind indeed who does not perceive it.

On one point more shall we offer a few remarks, and then dismiss this unpleasant and humiliating circumstance. Ministers of all descriptions and parties are too apt to complain, because they do not possess the confidence of the people, and to brand those as disaffected, who stigmatize their measures as weak, ill-judged, or bent more directly to their own interest than to the welfare of the nation. But has not the disclosure made by Mr. Canning and lord Castlereagh afforded melancholy proof, that the complaints of the people are too well founded? Could the most virulent and disaffected enemy of administration have thrown out surmises, or published libels, more dishonourable to ministers, or more calculated to withdraw from them the confidence, and to load them with the contempt, of the nation, than the truths which they themselves have given to the world? The most undeviating and upright devotion of their faculties to the public good, joined to the most complete success in all their measures, would not rescue any ministry from the imputation of imbecility or corruption: for this all

public men must lay their account: it is a tax which their elevated situation levies on them. But they may narrow and weaken in no inconsiderable degree the sphere and the action of calumny. Those who are liberal and enlightened enough to perceive and acknowledge the difficulties and temptations with which they are surrounded, will make a willing and ample allowance for occasional mistakes and derelictions of duty; but the same men will be the last to pardon or overlook that incapacity and corruption, which is unable to secure, or habitually disposed to sacrifice, the interests of the nation.—See *Principal Occurrences*.

On the day after the duel took place between lord Castlereagh and Mr. Canning, Mr. Perceval, on whom, in consequence of the resignation of the duke of Portland, the ostensible as well as the real government of the country and superintendence of his majesty's councils had fallen, wrote to earl Grey and lord Grenville, for the purpose of inducing them to come into administration. This letter certainly was not so explicit and clear as it ought to have been. In it Mr. Perceval stated to the noble lords, that his majesty had authorized lord Liverpool and himself to communicate with them, "for the purpose of forming an extended and combined administration." To each he also stated, that he had sent a similar communication to the other.—See *Public Papers*.

Lord Grey, in reply, declined coming to London, considering that his journey thither could be of no possible use, since it was utterly impossible for him to form an union with his majesty's ministers, with any hope that by such union the intention of his majesty, in au-

thorizing Mr. Perceval to propose it, or the interests of the country, could be promoted. Lord Grenville immediately came to town: but the day after his arrival he sent a reply, objecting on similar grounds to those stated by lord Grey to an union with his majesty's ministers; and adding, that his objections were not personal, but applied "to the principle of the government itself, and to the circumstances which attended its appointment."

Much senseless and illiberal clamour has been attempted to be raised against lords Grey and Grenville, for their refusal to comply with the wishes of his majesty, in forming an extended and combined administration. It has been said, that by such refusal they evinced a factious and disloyal disposition: that, as they acknowledged the country was in a situation of singular peril and difficulty, it was their bounden duty to have stepped forward with their abilities and services towards its guidance and safety, more especially when his majesty himself had condescended to apply to them. That it is the paramount duty of all who claim the title of loyal subjects to their sovereign, or of patriotic members of the state, to lend the aid of their talents and exertions in times of public difficulty, none can deny: but both lord Grey and lord Grenville expressly declared, that they were convinced, that by an union with the men in power they should only be guilty of a dereliction of principle, and give their name and sanction to a line of conduct in their opinion highly prejudicial to the welfare of the nation, without being in the smallest degree capable of serving their country. They refused the offer, not because they were in the least indisposed to step

forward in this awful crisis, but because that offer proceeded on the supposition of a continuance of those measures which they had constantly reprobated and opposed, and from the adoption of which they dated and traced the misfortunes of the country.

After this refusal, Mr. Perceval, to whom the formation of a new ministry was more particularly intrusted, applied to different public men, who were known to be generally favourable to the line of politics he had pursued. But such was either their conviction of the difficulty and responsibility to which the acceptance of office, under the existing circumstances of the continent and of Britain, would unavoidably expose them, or such their suspicion that the ministry would be short-lived, that Mr. Perceval met with many refusals, and experienced an unusual unwillingness in public men to accept of official situations.

Application was at length made to the marquis of Wellesley. This nobleman was in Spain, whither he had gone for the purpose, and with the hope, of infusing a portion of his energy and activity into the supreme junta. He had not, however, succeeded in the object of his mission; and it was believed that he might be more advantageously employed at home, in giving a vivifying and connecting principle to the inert and discordant materials of which Mr. Perceval was ultimately compelled to form his ministry. He himself took the offices of first lord of the treasury and chancellor of the exchequer. The marquis of Wellesley succeeded his friend Mr. Canning as secretary of state for the foreign department; lord Liverpool was transferred from the home to the war department; and

and Mr. Ryder was appointed to succeed lord Liverpool. Lord Palmerston was at the same time appointed secretary at war, in the room of sir James Pulteney.

We have already remarked that the disgraceful expedition to Walcheren had roused the indignation of the country, and that this indignation had been partially directed to another object, by the disputes in the cabinet and the duel between lord Castlereagh and Mr. Canning; and suspended, for a season, by the celebration of a national jubilee. Amidst all the calamitous and disgraceful consequences of an ill-sorted and incapable administration, the British people were not unmindful of the virtues of their sovereign. However it may suit the purpose of designing men to confound the natural and laudable dissatisfaction of the people at the misrule of ministers with a spirit of disloyalty towards their sovereign, yet no two circumstances can be more distinct. Indeed, those who are filled most completely with the most genuine spirit of loyalty, must experience most profoundly, and will be disposed to utter in the strongest language, those feelings of indignation which arise from perceiving how imperfectly the wishes of the sovereign for the good of his subjects are seconded by the conduct of his ministers. Hence the enthusiasm manifested throughout the nation on that day, which saw a monarch deservedly dear to Britain enter the fiftieth year of his reign. Nor was the celebration of this day less remarkable for the enthusiastic loyalty which was displayed, than for the wise and humane manner in which the gratitude of the nation to Providence, for having permitted

their sovereign to reign so long, and for the continuance of independence and prosperity, in the midst of the wreck of Europe, gave itself utterance. The hungry were fed; the naked were clothed; the prison doors were thrown open to the unfortunate debtor; and every heart, which man was capable of making glad, rejoiced on that day.

It was expected by many people that ministers would perceive the necessity, or the prudence, of instituting some inquiry into the causes of the failure of the expedition to Walcheren; or at least that they would endeavour to shift the blame from themselves to the earl of Chatham. But no disposition or attempt of that kind was manifested. That ministers had no intention to advise his majesty to summon a court-martial, for the purpose of trying the commander, was evident, from the circumstance of his having appeared, and been graciously received at a public levee soon after his return from Walcheren. On him, therefore, it was hardly to be supposed ministers meant to attach any blame: yet even those who were convinced that the expedition was injudiciously planned, and that the appointment of the earl of Chatham to the command was highly culpable, were by no means disposed to free that nobleman from all responsibility and censure. They were therefore grieved and surprised to see undoubted signs of the determination of his majesty's ministers to let his conduct go uncensured and unexamined. A British commander, with nearly 50,000 men at his disposal, had barely and slowly accomplished the capture of one fortified place; before which he had needlessly loitered so long, as to

render all further enterprise useless or extremely hazardous. With means more than sufficient for the accomplishment of all he was sent to perform, he had failed in achieving any conquest of real benefit to his country or of permanent injury to the enemy. Yet he was received on his return as if he had not disappointed the expectations of the nation, nor wasted the blood of her soldiers, nor tarnished the honour of her arms;—while the man who had defended Flushing so long against our immense force was declared by the military tribunals of France deserving of death, for having surrendered it before an assailable breach was made in the walls. There is no doubt injustice in passing sentence on a man while he is prisoner in another country, and therefore incapable of defending himself; but if we would imitate Bonaparte in exacting the full measure of their duty from our military commanders, we should do away one great cause of the failure of our expeditions.

As there appeared to be no disposition on the part of ministers to institute any inquiry into the causes of the failure and the calamities of the expedition to the Scheldt, the common council of the city of London at length determined to address his majesty on this subject; and at the same time to express to him their indignant sense of the disgraceful squabbles that had taken place among his servants. A strong address to this effect was accordingly moved and carried, but only by the casting voice of the lord mayor. As the language and tone of this address were by no means acceptable to ministers, the party attached to them in the common council called another meeting, in

which, after a long and warm debate, they succeeded in substituting an address less offensive and harsh. This party had in the first instance insisted that there was no necessity for requesting his majesty to institute an inquiry; but finding themselves unable to present an address to that effect, they were obliged to rest satisfied with the partial success and triumph of having omitted or softened the disagreeable truths and plain language of that which was originally proposed and carried. To this address, even when thus rendered palatable, his majesty's reply was very short and dry. He expressed his regrets that the expedition to the Scheldt had accomplished a part only of the objects for which it was sent out, but he did not judge it necessary to direct any military inquiry into the conduct of his commanders by sea or land, in this conjoint service. Parliament, however, might ask for such information, or take such measures, as they should judge most conducive to the public good. Of that part of the address which expressed the sorrow and indignation of the common council at the dissensions which had taken place among his majesty's ministers, his majesty took no notice in his reply. This reply is not only short, but it is also unsatisfactory, and by no means of easy comprehension. It asserts that the expedition succeeded in part.—This certainly is not meant to add mockery to public disappointment and indignation, or to quibble away the ground on which inquiry was requested: yet it has so much this appearance, that it ought not to have been put into the mouth of his majesty. Let us hope that no attempt will be made in parliament to satisfy or console the nation, by the

the repetition of this assertion, and that his majesty was advised by his ministers to refer the nation to the proceedings of parliament on the expedition, because in that place they had determined not to oppose a full and strict inquiry into the authors, as well as the causes, of its failure and calamities.

CHAPTER XI.

Affairs of Spain—Campaign under Sir John Moore—Its Importance stated; as exhibiting the Character of the Spanish People, Army, and Government—Disappointment of Sir John Moore with respect to the promised Cooperation of the Spanish Army—Situation of the British from the Defeat of the Spaniards—Sir John Moore prevented from retreating by the Advice and Remonstrances of Mr. Frere—The British and French Armies meet—A partial Engagement—Superiority of the British Cavalry—Immense Force dispatched after the British—Sir John Moore compelled to retreat—Dreadful Situation of his Army—arrives at Lugo—offers Battle to the Enemy—which is refused—Arrival of the British at Corunna—obliged to wait for Transports—Battle of Corunna—Exertions and Fall of Sir John Moore—The French completely repulsed—The British embark—Last Moments of Sir John Moore—His Character and Interment.

IN resuming our narrative of the affairs of Spain and Portugal, the first subject that deserves and demands our attention and notice embraces the march and operations of the British army under the command of sir John Moore. In our former volume our information respecting it was so scanty and meagre, that, while we were under the painful necessity of recording the entry of the French emperor into the capital of Spain, we were unable either to recount any efforts on the part of the British army to arrest or suspend his progress, or to assign any sufficient and unequivocal cause for the tardiness of its progress, and the inefficiency of its

succour. It is now in our power to present a full and satisfactory detail of the operations of sir John Moore's army; and in doing it, we shall have to record the most disastrous retreat under which British troops ever suffered, terminated and crowned, however, by one of the most glorious victories they ever achieved.

It is not, however, merely or principally on account of the interest which the narrative of this campaign will unavoidably excite, that we are induced to enter on its detail: it is important, and must be useful in another respect; since it opens to our view the character both of the Spanish people and of the

the Spanish government more clearly and fully than they possibly can be exhibited by any representation drawn from any other source. It will be seen that while no small part of the misfortunes, the losses, and the useless inactivity of sir John Moore's army proceeded from the injudicious plan on which he was directed or compelled to act; even that plan, injudicious and absurd as it was, would have produced some benefit to the Spaniards, had its execution been assisted, as it ought to have been, by the wisdom of the junta, the valour of the armies, or the zeal and cooperation of the people.

The British army destined to act in favour of the Spaniards consisted of the troops which marched from Portugal under the command of sir John Moore, and those which were sent from England under the command of sir David Baird. The latter arrived at Corunna on the 13th of October 1808, and was astonished and disappointed to find that the junta of Galicia refused him permission to land his troops. When at last he was permitted to land them, his reception was so extremely cold, that he was disposed to doubt whether the Spanish government really wished for the cooperation of the British. The same impression was made on sir John Moore when he arrived at Salamanca on the 13th of November: he found so little preparation made for the reception or accommodation of his army, that he wrote to the British minister at Madrid, desiring him plainly to tell the Spanish government, that if they expected his army to advance they must pay more attention to its wants. Nor was it only of the government that he had reason to complain:—although he had marched into Spain for the

express purpose of cooperating with the forces of the patriots, yet he was left in total ignorance of their military plans; and the army of Blake, instead of moving forward to act along with him, directed its march in a quite different route, and thus exposed both themselves and the British to be separately attacked.

The further sir John Moore advanced into Spain, the more strongly was he impressed with the conviction that the information, upon the faith of which he had crossed the frontiers of Portugal, was utterly destitute of foundation. He had been officially informed that his entry into Spain would be covered by sixty or seventy thousand men; whereas when he had got so far as to be within three marches of the French army, not even a Spanish piquet had appeared to protect his front. At this critical time the Spanish main armies, instead of being united either among themselves or with the British, were divided from each other almost by the whole breadth of the peninsula. The fatal consequences of this want of union soon appeared: Blake was defeated, and a report reached sir David Baird that the French were advancing upon his division in two different directions, so as to threaten to surround him. He consequently prepared to retreat upon Corunna; but sir John Moore, having ascertained that the report was unfounded, ordered sir David Baird to advance, in order if possible to form a junction with him. About this time Mr. Frere, the British ambassador at Madrid, first commenced his official communications with sir John Moore. Either from an excess of zeal and hope which clouded the knowledge which he possessed of Spanish affairs, or from an ignorance of them

unbecoming in diplomatic character, situated as he was, where he had access to the best sources of information,—he represented the defeat of the armies of Blake and of Estramadura, and the consequent success and advance of the French, as of very trivial moment, and strongly pressed the British general to push forward to the capital. Sir John Moore, however, fortunately, had more accurate and earlier means of learning the operations of the Spanish and French armies. On the 28th of November he received information that Castanos was completely defeated. No army now remained against which the whole French force might be directed, except the British; and it was vain to expect that they, even had they been united, could have resisted or checked the enemy. Sir John Moore therefore determined to fall back on Portugal, to hasten the junction of general Hope, who had gone on towards Madrid, and to order sir David Baird to regain Corunna as expeditiously as possible. This determination to retreat created great dissatisfaction among the army: they were eager to advance and face the enemy:—not acquainted with the motives which had induced their commander to fall back, and not perceiving, nor perhaps even hearing of, the French armies, which now might unopposed pour in upon them, they felt indignant at the idea of measuring back their steps without having tried their strength with their adversaries, or in the smallest degree benefited their allies. But though the army murmured at the determination to retreat, it was fully approved of by sir David Baird and general Hope; and from the events which afterwards took place, there is much reason to la-

ment that the determination was afterwards changed.

A very slight review of the circumstances in which the British army was placed will most clearly and strongly point out the danger that surrounded it, the futility of expecting that it could be of any essential service to the Spaniards, and the propriety, nay the necessity, of its immediately commencing its retreat. All the principal Spanish armies were beaten and dispersed. A week had elapsed since the army of Castanos had suffered a total defeat on the Ebro. Burgos was in possession of the French; and even Valladolid had been entered and occupied by their cavalry. A reinforcement, amounting to nearly 30,000, was advancing on the side of Biscay. The French thus numerous, having driven before them the Spanish armies, found nothing to oppose their plans, whether they were directed to the immediate attack of the British army or to the occupation of Madrid. On whichever plan they determined, there was too much reason to apprehend that they would prevent the junction of the three British corps under Baird, Moore, and Hope. It was further manifest, that a junction of these corps, even if it could be effected, could be of no avail against the immense superiority of the French; while the delay necessarily occasioned by bringing them together, would enable the enemy to gain on them, and would render our retreat more difficult and hazardous.

There is little doubt that if sir John Moore had followed the dictates of his own judgement, acting on what he knew to be the state of Spanish affairs, and the strength, position, and probable movements of the French armies, he would have

have carried his determination to retreat into immediate and complete execution. But before sir John could put his determination into effect, he received a communication from Mr. Frere, strongly pressing him to advance to Madrid, and giving a most flattering picture of the enthusiastic and determined spirit of the people, and of the ample resources of the country. This communication was soon followed by a messenger sent expressly by the prince of Castelfranca and Morla the governors of Madrid, with a paper signed by them in the name of the supreme junta, and dated December 2d. This paper was still more exaggeratingly flattering in its representation of the zeal and resources of the Spaniards than even Mr. Frere's letter; and the statements contained in it were further recommended to sir John Moore's notice and attention by another letter from Mr. Frere, in which that gentleman presses upon sir John Moore in the strongest manner the necessity of supporting the determination of the Spanish people, which he represented as extending not merely to the defence of the capital, but also of clearing the whole north of Spain from the presence of the French. In an evil moment the British general suffered his own good judgement to give way to the representations of the Spanish government and Mr. Frere. He was induced to suspend his retreat, and to order sir David Baird to advance. For the purpose of learning some accurate information respecting the assistance he might hope to derive from the remnant of Blake's army, of which the marquis of Romana had taken the command, he dispatched general Graham to examine and report upon its strength, equipment and disci-

pline. Soon afterwards sir John Moore learnt that Madrid had capitulated on the very day on which the letter he had received from its governors had been written. As, however, he had now completely effected his junction with general Hope, and had removed every obstacle to his junction with sir David Baird, whenever it might be deemed expedient or necessary, he determined to persist in the resolution of advancing, though that resolution had been formed, and in some measure acted upon, under the idea that Madrid not only held out, but was capable of opposing the French for a considerable length of time, if not with ultimate and complete success.

After the main body of the army had been joined by general Hope's division, they advanced towards Valladolid, in order to have the corps under the command of sir David Baird in their rear. Before, however, they had proceeded a day's march on this route, sir John Moore learnt by an intercepted dispatch, that Bonaparte was advancing towards Lisbon, and that a body of 18,000 men under Soult was posted at Saldanha. On this latter piece of information the British general immediately formed a plan, which, if he could carry it into execution, he hoped might still benefit the Spanish cause. He resolved to attempt the attack of Soult's corps: even if he were not enabled to defeat them, he hoped by this manœuvre to draw off the French armies to the north of Spain, and thus afford an opportunity for the Spanish armies to rally and reunite. It does not seem to have struck sir John Moore that Soult was posted with this comparatively small body of men, for the purpose of enticing the British

tish army further into Spain, or at least of occupying their attention, while Bonaparte in person, with his whole disposable force, endeavoured to place himself between the British army and the route of their retreat towards Portugal and the sea. It is much more natural to suppose that Soult took up a position, certainly not strong or advantageous, with an inferior body of men, in order to deceive the British general, than that he was so placed through any defect of military skill, or through ignorance of the situation and strength of our army.

Sir John Moore, however, anxious to meet the wishes of his troops by leading them against the enemy, and willing to embrace any opportunity of benefiting the Spanish cause, quitted his route towards Valladolid, as soon as he heard that Soult was at Saldanha, and, by a movement on the left having effected his junction with sir David Baird, advanced by rapid marches to the Carrion. Here the advanced posts of the two armies first met; and the superiority of the British cavalry was eminently displayed in a most brilliant and successful skirmish. But just as sir John Moore had issued his orders for the main body of his army to commence a general attack, he received, from different sources and quarters, information on which he could confidently rely, that Bonaparte in person had left Madrid with his army in order to get into the rear of the British; that the army which had been stationed at Talavera had moved forward to Salamanca; and that Soult himself had received strong reinforcements. There was now no alternative, nor any time to be lost. Retreat was become indispensably

necessary: the only difficulty and doubt lay in the route that ought to be pursued.

It is easy to ascertain the exact numbers of the French that were dispatched after sir John Moore. The corps of Soult before it was reinforced consisted of 8,000 men. The right flank of the British was threatened by Junot, who had under him 15,000 men. Bonaparte left Madrid at the head of 40,000. So that on the lowest calculation the force which was sent in pursuit of the British must be reckoned at 60,000 men, while sir John Moore had not more than 27,000.

The British commander was anxious to have defended the passes of Galicia; but this he was prevented from doing by the immense superiority of the enemy, want of provisions, and the danger of having his positions turned. But although it might have been impracticable, or at least very hazardous and imprudent in sir John Moore, to have occupied the passes in Galicia with his whole army, yet there seems ground to believe that he might have rendered his retreat more leisurely and orderly, and consequently less disastrous and fatal, if he had caused those passes to have been defended (as from their natural strength they might have been) by detachments from his main army. Sir John Moore has also been censured, and apparently with reason, for having marched round by Benavento, instead of having proceeded by the direct road to Astorga; and for not having broken down completely all the bridges which lay on his route. On these points, however, it is but candid to state, that there are different opinions; while all must admit, that in circumstances

cumstances of such pressing and imminent difficulty, a general of the most consummate abilities could scarcely be expected to decide for the best in every respect.

So rapid was the march of the main body of the French army under Bonaparte, and so closely did they pursue sir John Moore, that the advanced guard of the enemy entered Fordesillas on the same day that the British began to retreat from Sahagun, so that the distance between them was scarcely 30 miles. At Benevento the cavalry and part of the artillery of Bonaparte's army came up with the rear of the British; and another skirmish took place, which terminated greatly to the glory and honour of the British cavalry under lord Paget.

Sir John Moore in his retreat, instead of being benefited or assisted by the Spanish troops under Romana, was actually impeded by them. He gave express directions to that general to leave the route by Astorga open for the English; yet when he arrived at that town, he found it completely occupied by Romana's troops; and it was not without great difficulty, and the exertion of much activity and skill, that sir John Moore was able to draw off his army from it before the arrival of the French. Bonaparte, by this time finding that he could not himself come up with sir John Moore before he reached Benevento, gave up the pursuit, and committed it to three marshals of France, who, with as many divisions, were commanded to follow the British closely, and to effect their destruction.

The situation of the British at this time was most dreadful. In the midst of winter, in a dreary

and desolate country; the soldiers, chilled and drenched by deluges of rain, wearied by long and rapid marches in bad roads deep with mud, were almost entirely destitute of fuel to cook their victuals or dry their clothes, and, when they did halt, found it extremely difficult to procure shelter. Their provisions were scanty, or procured with great labour and in an irregular manner: the waggons, in which were their magazines, baggage and stores, were often deserted in the night time by the Spanish drivers, terrified at the approach of the French; the bullocks and mules by which they were drawn would not move, except by the native drivers: it was therefore often necessary to destroy the provisions and stores, in order that they might not fall into the hands of the enemy. In the midst of this distress, the Spanish peasantry offered no assistance and showed no sympathy: though they were armed, they never attempted to harass or retard the pursuing army; on the contrary, they fled at the approach of the English, their allies, carrying with them every thing that could alleviate their distress, or contribute to their preservation or comfort. Neither money nor threats could induce them to come forward with any relief or assistance. In short, the whole behaviour of the Spanish peasantry, during the retreat of sir John Moore's army, was calculated to add, in no trifling degree, to the dissatisfaction of the British, who saw themselves exposed to a superior force, and suffering under the most cruel privations, for the sake of men who would neither stir in their own behalf, nor assist those who were encountering every evil on their account.

The difficulties and anxiety of the British commander were increased by the relaxation which took place in the discipline of the army. The disappointment which they experienced in not having had an opportunity of measuring their strength with the enemy;—the privations and distresses under which they suffered in a retreat, which they regarded from its rapidity, and from their ignorance of the numbers of the French by whom they were pursued, as a disgraceful and unnecessary flight; and above all the indifference to their sufferings which the Spaniards uniformly manifested, contributed to weaken their habits of order and discipline. As it was of the utmost importance to restore them to an army, who might every moment be compelled to resist the attack of a far superior force,—sir John Moore, however reluctantly, found himself compelled to issue such orders as might unequivocally point out his knowledge of the extent to which the want of discipline had proceeded; the persons to whom he principally attributed it, and his positive and unalterable determination to punish it in the most severe and exemplary manner.

As the French army was now pressing hard upon the British, sir John Moore came to a determination to offer battle at Lugo, of the ground in front of which he had received a favourable account. In the mean time he sent off dispatches to sir Samuel Hood at Vigo, to send round the transports to Corunna, on which place, as three long marches nearer than Vigo, he thought it preferable to direct his retreat. Another lamentable and unaccountable instance of the supineness and inactivity of the

Spaniards occurred about this time:—Between 30 and 40 waggons loaded with arms, clothes and provisions from England were moving slowly on towards the marquis of Romana's army, which had long been destitute of these supplies, and they were now moving forward, exactly at a time when the rapid approach of the French would effectually prevent them from reaching their destination.

When sir John Moore reached Lugo, he found himself again compelled to issue very severe remarks in his general orders on the want of discipline, and to fix the cause of it expressly on the negligence of the officers: he at the same time intimated, that they would have it probably in their power to wipe off the disgrace by the gallantry of their behaviour in the expected combat with the enemy. But marshal Soult did not think it prudent to attack the British in the strong and judicious position they had taken up near Lugo; and sir John Moore, not judging it safe either to act offensively or to delay his retreat any longer, quitted his ground in the night time, leaving fires burning to deceive the enemy. The French did not discover the retreat till long after day-light, so that the British army got the start of them considerably.

On the 11th of January the whole of the British reached Corunna, except one division, which had been dispatched to Vigo. But unfortunately the transports from the latter port were not yet arrived, and the French army were seen the next morning approaching the town. In examining the different positions in the neighbourhood of Corunna, sir John Moore found that there were two ranges

of hills, on either of which an army might be able to defend itself with advantage. About four miles from the town was the highest range; but its extent was so great, that unless his army had been twice as numerous as it actually was, its flanks must have been exposed to be turned by the enemy. A position upon this range, therefore, however desirable and advantageous from its great height, he was compelled to decline, and to occupy another range nearer the town, of much inferior height, but better suited to his small army, from not being so extensive. The army was thus arranged:—One division under general Hope occupied a hill on the left commanding the road to Betangos; the division under sir David Baird extended from this village, and bended to the right, in such a manner that the two divisions formed nearly a semicircle. On the right of sir David Baird the rifle corps was stationed, communicating with general Fraser's division, which was drawn up about half a mile from Corunna, near the road leading to Vigo. The reserve, under general Paget was posted in the rear of general Hope in a village on the road to Betangos.

Thus at length were the British army arrived at the port where they hoped to embark, not however without the probability of a battle. In this approaching battle, they had many circumstances adverse to them: they were exhausted and worn out by a rapid march across two hundred and fifty miles of a dreadful country, in the most inclement season of the year, deprived of every accommodation, and often destitute of food and shelter. They had been obliged to sacrifice most of their baggage, and some

of their artillery; the greater number of their horses had been put to death, in order to prevent them from falling into the hands of the enemy. But notwithstanding all these adverse circumstances;—notwithstanding they were disappointed in not finding the transports at Corunna, the British army rejoiced that before they quitted the shores of Spain they should front their enemies, and teach them once more to respect their prowess. At the sight of the enemy, their worn out limbs were braced with new vigour, and the native valour of British soldiers supplied the place of refreshment and rest.

The enemy made only partial indications of attack till the noon of the 16th of January, when he began to place some guns in the front of the right and left of his line, and to follow up this preparatory movement by a rapid attack upon the division of general Baird. When the enemy's line were first getting under arms, sir John Moore was employed in visiting the outposts, and in explaining his plans to the general officers. As soon as he was informed of the hostile indications of the French, he struck spurs into his horse and flew to the field, expressing his regret, that the advanced time of the day would not allow the British army to reap all the advantages of a victory which he regarded as certain.

As the position of the right wing of the British army was unavoidably bad, and the enemy having perceived it, were directing against it a most formidable attack, sir John Moore placed himself there, in order at once to animate and direct it. Early in the engagement, sir David Baird, while leading on his division, had his arm shattered

shattered with a grape-shot, and was consequently obliged to quit the field. It was soon perceived that the French line extended beyond the right flank of the British, and that their object was to turn it. In order to prevent this, half of the 4th regiment, which formed this flank, were ordered to fall back, refuse their right, and thus make an obtuse angle with the other half: by this manœuvre they were enabled to commence a heavy flanking fire against the enemy, which galled and impeded them much. Sir John Moore, after having seen and applauded this manœuvre, rode up to the 50th, and directed and encouraged them to charge the enemy, which, in spite of an inclosure in their front, they did in the most gallant and successful manner. The general next proceeded to the 42d, who, being addressed by him in the flattering and proud words "Highlanders, remember Egypt!" rushed on, and drove the French before them.

But the career of this gallant general was near its end. As captain Hardinge, who had been sent to order up a battalion of the Guards to the left flank of the highlanders, was making his report, a cannon ball struck the left shoulder of sir John Moore, and beat him to the ground. So composed and unaltered was his countenance, so intently and earnestly was it fixed upon the advancing highlanders, that for a few moments it was hoped he was rather stunned than materially hurt by the shot. But it was soon discovered that he was mortally wounded, and he was immediately carried from the field of battle.

The soldiers, although they knew that their general was carried off, continued to fight with undiminished confidence and valour. The at-

tack of the French upon the right of our army was completely repulsed, and in their turn they were obliged to draw back their left flank entirely, in order to prevent it from being turned. Their next attempt was against the centre: here they were successfully opposed by generals Manningham and Leith, who, on account of the ground being more elevated, derived great advantage and assistance, in repulsing the enemy, from the artillery. The last effort of the French was feebly and ineffectually directed against the left of the British army: on this side, indeed, they could not promise themselves any success, after having failed in their attacks on the right and the centre; for the position of the left was very strong, while that of the right was, as has been already remarked, unavoidably bad. At five in the evening the light began to fail. The enemy had been repulsed in every attack; and when the firing ceased, the British army occupied a more forward line than at the commencement of the engagement.

When all the disadvantages, under which this complete and brilliant victory was achieved, are taken into the account, the honour which it reflects on the British arms will be more duly appreciated. On our side were 15,000 men, emaciated and enfeebled by the dreadful retreat they had just accomplished, many of them scarcely able to carry their musquets, and all of them, from the nature of the position which the army occupied, obliged to receive and repel the attacks of the enemy to great disadvantages. On the side of the French were between 25,000 and 30,000 men, who, though they had passed over the same extent of

ground as our troops, yet, from being the pursuing army, and from the superior state of their commissariat, had not suffered nearly so much during the march. This army, exceeding ours so much in point of numbers, occupied a much more favourable position, above our troops, from which they could direct their attacks, and point their artillery, greatly to our annoyance. Notwithstanding these circumstances, so decidedly in favour of the enemy, they were completely repulsed by the courage of our troops, and the skilful dispositions and manœuvres of our generals.

The British army lost, in killed and wounded, between seven and eight hundred men: the French are supposed to have lost nearly two thousand. This great disparity was probably owing to the quicker firing and steady aim of the British soldiers: so galling and destructive was it, that the oldest French officers declared they had never been exposed to so hot a fire.

The darkness of the night would have rendered it impossible to have followed up the victory, by pursuing the enemy, even had it been deemed prudent. But general Hope, on whom the command devolved, when sir John Moore was killed and sir David Baird wounded, considering the approaching succours of the French, and the circumstances of the British army, thought it advisable to proceed in the embarkation of his troops, for which, indeed, the preparatory measures had been taken by sir John Moore. Accordingly about 10 o'clock at night the troops quitted their position, and marched into Corunna, strong piquets being left to guard the ground, and to give notice of the approach of the enemy. The embarkation immedi-

ately commenced, and was covered by the rear-guard, under general Beresford, consisting of about 2000 men, who occupied the lines in front of the town, while a corps de reserve under general Hill was stationed on a promontory immediately behind it.

So well arranged and concerted were the means of embarkation, that before daylight the whole army, with the exception of the rear-guard, were on board the ships. The enemy seemed by no means disposed to renew the engagement, or even to take advantage of the confusion necessarily attendant upon the rapid embarkation of such a large body of men during the night-time. In the course of the next forenoon, however, they occupied the rising ground near the harbour with some cannon, and fired at the transports: their fire was not destructive, nor would it have been attended with any serious consequences, had not the masters of some of the transports, panic-struck, cut their cables, and suffered their vessels to run aground. In the course of the day after the battle general Hill's corps de reserve, the sick and wounded, and the rear-guard, were safely embarked, in the view of the enemy, who offered no molestation or hindrance. The brigade under general Craufurd, which, separating from the main army, had proceeded towards Vigo, arrived after a most fatiguing and harassing march at that port, where fortunately they found ready a sufficient number of transports to take them on board and convey them to England.

As every thing relating to the last moments of a man of whom Britain has so much reason to be proud cannot fail to be highly interesting, we shall make no apology for laying

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ing before our readers the following particulars respecting sir John Moore, as they have been given by colonel Anderson, for one-and-twenty years his friend and companion in arms.

“ I met the general in the evening of the 16th conveyed in a blanket and sashes. He knew me immediately, though it was almost dark, squeezed me by the hand, and said, ‘ Anderson, don’t leave me.’ He spoke to the surgeons on their examining his wound, but was in such pain he could say little.

“ After some time he seemed very anxious to speak to me, and at intervals got out as follows: ‘ Anderson, you know that I have always wished to die this way.’ He then asked, ‘ Are the French beaten?’ which he repeated to every one he knew as they came in. ‘ I hope the people of England will be satisfied! I hope my country will do me justice!—Anderson, you will see my friends as soon as you can; tell them every thing—say to my mother——’ Here his voice quite failed, and he was excessively agitated.—‘ Hope,—Hope,—I have much to say to him,—but—cannot get it out.—Are colonel Graham and all my aides-de-camp well?—I have made my will, and remembered my servants—Colborne has my will, and all my papers.’

“ Major Colborne then came into the room. He spoke most kindly to him; and then said to me, ‘ Anderson, remember you go to ——, and tell him it is my request, and that I expect he will give major Colborne a lieutenant-colonelcy—he has been long with me—and I know him most worthy of it.’ He then asked major Colborne if the French were beaten; and on being told they were on every point, he said, ‘ It is a great satisfaction for

me to know we have beaten the French.—Is Paget in the room?’ On my telling him No, he said, ‘ Remember me to him—it’s general Paget I mean—he is a fine fellow.—I feel myself so strong, I fear I shall be long in dying—It is great uneasiness—It is great pain—Every thing François says is right—I have the greatest confidence in him.’

“ He thanked the surgeons for their trouble. Captains Percy and Stanhope, two of his aides-de-camp, then came into the room; he spoke kindly to both, and asked Percy if all his aides-de-camp were well?

“ After some interval he said, ‘ Stanhope—remember me to your sister.’—He pressed my hand close to his body, and in a few minutes died without a struggle.”

We know not how we can so well do justice to the character of this most respected man and consummate general, as by adopting the language of an eloquent author: “ The battle which he fought at the end of his memorable retreat, and which closed the sufferings of his followers and his own career of glory, will live for ever in the recollection of his grateful country. But it is not this last scene of his triumph alone that will claim the lasting regards of England. She will proudly remember that his judgement and skill were only surpassed by his unconquerable valour: she will fondly dwell upon that matchless self-denial which subjected all his interests to her weal, as it devoted all his faculties to her service: she will hold him up to her most famous warriors in after-times,—when the envious clamours of the hour are hushed, and the minions of present power are forgotten,—as a bright example of that entire forbearance, that utter
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extinction of every selfish feeling, that high and manly sacrifice even of the highest and manliest of passions, that severe mortification of ambition itself, which she has a paramount right to require from him to whom she yields the guidance of her armies."

As sir John Moore had repeatedly declared his wish to colonel Anderson to be buried where he had fallen, if it should be his lot to be killed in battle, it was determined to bury his body on the rampart of the citadel of Corunna.—Accordingly at eight o'clock in the morning it was deposited, uncoffined and undressed, in a grave hastily dug by some soldiers. Some months afterwards, when the Spaniards again got possession of Corunna, the marquis de Romana ordered the body to be taken up, and properly interred in the citadel; and over the tomb a short and simple inscription was engraven.

Of the causes which led to the misfortunes of sir John Moore's army, some must be fixed on the British ministry, and some on the Spanish junta and armies. The British ministry, when they sent him into Spain, were culpably ignorant of the force and resources of the Spaniards, of the ability and disposition of the junta to meet the great and imminent difficulties in which their country was placed, and of the reinforcements which the French had actually sent, or were preparing to send, into the Peninsula. Sir John Moore found the Spanish armies very different from what they were represented: not nearly so numerous; possessed of little skill, almost without discipline, and badly armed and equipped. Their officers were ill qualified to lead on a well organized army; with the troops therefore

which they actually commanded they were totally unfit to cope with the enemy. Their generals were not only ignorant of each others plans, but even of their positions and movements: they attempted what neither their skill nor their force enabled them to execute, and neglected those measures and operations to which they were equal. The supreme junta issued proclamations breathing vengeance against the French, while they utterly neglected the means of inflicting it: they called upon the Spaniards to fight for their country, while they neglected to supply them with arms. In short, there was no appearance of common foresight or activity: every thing was neglected or forgotten till it was too late; and the ample stores and arms which Britain supplied, were only thought of and brought forward when they were almost sure to fall into the hands of the French. But the gross exaggerations with respect to their own force ought principally to be noticed and condemned. From every general officer, except the duke del Infantado, and from the supreme junta without exception, sir John Moore received accounts, respecting the numerical force and the equipn.ent of the armies, which he uniformly found erroneous. At the same time the force and the successful advance of the French were concealed. If these things be taken into account, and to them be added the unwillingness manifested by the Spanish generals to cooperate with sir John Moore, and the indifference of the people both towards the British who were come to assist them, and the French who were invading and ravaging their country, we shall be at no loss to account for the misfortunes of sir John

John Moore's army, nor to anticipate what, unless these things are speedily and radically changed, must be the ultimate fate of the Spanish nation.

CHAPTER XII.

Affairs of Spain continued—Movements and Operations of the French after the Embarkation of the British—take Ferrol—Treachery of its Governor—Second Siege of Saragossa—Its valiant Defence and Fall—Bonaparte leaves Spain to make war against Austria—French Armies inactive after his Departure—Capture of Oporto—The Patriots take Vigo, Tuy, and Viana—Situation of the Armies in the Beginning of April—Battle of Medillin—Cevallos sent Ambassador to London—Treaty of Alliance between Britain and Spain—Sir A. Wellesley sent again to the Peninsula—marches against Soult—attacks and defeats Part of his Army on the Douro—returns to the South of Portugal—Battle of St. Payo—Operations of Blake's Army—Battle of Belchite—Disgraceful Behaviour of the Spanish Troops—Joseph Bonaparte attempts to cross the Sierra Morena—fails, and advances to oppose the March of the united British and Spanish Armies to Madrid—Battle of Talavera—Defeat of the French—Sir A. Wellesley obliged to retreat—Cuesta leaves the wounded in the Hands of the Enemy—Remarks.

AFTER the British army had embarked from the Peninsula, the attention and movements of the French were principally directed to the pursuit and discomfiture of the Spanish corps which still occupied the centre of the kingdom, and to the occupation of such of the sea-ports as kept open the communication with England or contained the Spanish navy. Accordingly in the centre of Spain the duke of Belluno attacked and defeated one of the divisions of the duke del Infantado's army, under the command of Venegas: the loss of the Spanish in this affair was not great, as they offered no obstinate

nor continued resistance to the French forces, but fled and dispersed after a short and ineffectual combat. After the engagement, the duke del Infantado crossed the province of Valencia, and took the route to Grenada.

It was matter of surprise and regret to many that sir John Moore, instead of directing his retreat upon Corunna, did not rather march to Ferrol, and secure that part of the Spanish navy which lay there.—This, at one time, appears to have been his intention and object; but upon inquiry he found that the people in power in that town would not admit his troops, and were still

less disposed to allow the English to secure the fleet, by taking it out of the harbour. The most candid and natural mode of accounting for this disposition on the part of the naval and military authorities at Ferrol, was to attribute it either to blind confidence in their own strength, joined to their ignorance, common to them with the rest of their countrymen, of the advance and victories of the French, or to their jealousy of the British. By some people, however, even at the time of the refusal to admit sir John Moore's army, treachery was suspected to exist among the constituted authorities of Ferrol; and the truth of this suspicion was confirmed, when, eleven days after the battle of Corunna, the duke of Dalmatia appeared before the town. The people only manifested a firm and patriotic disposition to resist the entrance of the French: the civil, naval, and military authorities, on the contrary, acceded to the proposals of the enemy so speedily and readily, that they cannot easily be freed from the charge of treachery. Had they been disposed to have availed themselves of the means of defence and resistance enthusiastically offered to them by the people, they might have gained time to have put the fleet beyond the reach of the French: but the governors of the town not only refused to listen to the wishes or to avail themselves of the disposition and power of the people, but they even went so far as to anticipate the summons of the French general, and afterwards to surrender the place by a perfidious capitulation.

There were two objects on which the pride as well as the policy of Bonaparte were decidedly bent, from the moment he first crossed the Pyrenees. The first was the

reestablishment of his brother on his usurped throne at Madrid;—the other the conquest of Saragossa. The public entry of Joseph Bonaparte into Madrid took place on the 22d of January: the sullen gloom and discontent which were legible in the features of the inhabitants of the capital, formed a striking and decided contrast with the parade and show of the French troops, and the fawning and disloyal adulations of such of the Spanish grandes as received and acknowledged him as their legitimate sovereign.

The obstinate and persevering heroism with which Saragossa was defended, were well calculated to inspire the rest of the kingdom with a similar spirit, and to hold out to the Spanish nation the beneficial consequences which would unavoidably result to their cause, if they followed the example of that city. While Madrid opened its gates after a feeble and inadequate resistance to the French, Saragossa had the honour once of having compelled the enemy to fly from before its walls with great slaughter and disgrace; and when again besieged by a more numerous and better provided army, it did not yield, till the ravages of an epidemical distemper had broken the spirit and thinned the number of its inhabitants, to a greater degree than the French had it in their power to do. The second siege commenced early in the month of January; on the 21st of the following month it was compelled to capitulate. The resistance which it made—the numbers of the enemy who fell before its walls or in the midst of its streets—and the privations and distresses which its inhabitants cheerfully endured, give it a just claim to rank in the page
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of history with its ancient neighbour Saguntum. Palafox, almost the only hero whom the Spanish revolution has called forth or created, by whose skill, valour and example, the inhabitants of Saragossa were enabled and incited to sustain both their arduous sieges, was deemed by Bonaparte too formidable to his plans to be permitted to remain in Spain. Immediately after the surrender of the town, he was sent under a strong escort into France.

From the period that Bonaparte left the Peninsula in order to prepare for war against the emperor of Austria, the operations and movements of the French armies in Spain become not only much less interesting, but much more difficult to be traced and narrated in a connected, clear, and distinct manner. The marshals whom he left behind to conduct the war in Spain and Portugal were by no means distinguished for their activity, or even for the skill and judgement of their plans. Instead of constantly following up the grand scheme of their master, by collecting and uniting their whole force, and pressing forward with it against the different Spanish corps successively, they divided their forces into as many bodies as there were hostile armies opposed to them. Instead of distinguishing themselves by the celerity of their movements, and by quickly following up any successes they might have obtained, they advanced slowly, and generally remained stationary after a victory. It ought however to be stated, not only in justice to them, but to the Spaniards also, that a victory in Spain did not, as it was wont to do in Germany, open the way for a rapid and secure advance. The Spanish armies might be conquered

and commonly were in regular and general engagements, but the spirit of the people, though sometimes and in some places unaccountably dormant, almost always broke out immediately after the defeat of their armies.

About the beginning of March the army which Cuesta commanded was posted on the Tagus, in order to defend the passage of that river and to prevent the entrance of the French into Portugal. The enemy however came against him with such a superior force, that he was obliged to leave the passage of the Tagus open to them, and direct his retreat on Truxillo: here it was not prudent for him long to remain, since the duke of Belluno pushed on against him in one direction, while general Sebastiani was advancing towards Man Yanares.

The first place in Portugal against which the French directed their efforts was Oporto. It was an object of considerable importance to make themselves masters of this city, both on account of its commerce with England, and because the capture of it, they hoped, would open them a safe and expeditious road to Lisbon. Oporto at this time was defended by 24,000 men, and more than 200 pieces of cannon: it was therefore expected that it would offer a formidable and protracted resistance to the enemy, if it did not baffle his most vigorous and persevering efforts. But unfortunately, jealousy and distrust arose between the army and the people: disunion and insubordination ensued. The enemy, who either originated or fomented this mutual jealousy between the inhabitant and the garrison of Oporto, were thus enabled to make themselves masters of it with little loss, and

after a short and feeble resistance. About the same time they advanced against Chaves. General Francisco de Silveira who commanded there, prudently retired on their approach, though by this conduct he exposed himself to the censure and suspicion of the people. Having collected a more adequate and equal force, he advanced again, retook Chaves, with 12 pieces of artillery and 1500 prisoners.

The situation of marshal Soult who commanded the French army that had taken possession of Oporto, was rendered critical and hazardous in a considerable degree by the successful operations of the patriots in Galicia. Assisted by two British frigates, the *Lively* and *Venus*, they compelled the garrison of Vigo, consisting of 1500 men, to surrender, and afterwards drove the enemy from the towns of Tuy and Viana. The advantage and importance of these successes will appear, when it is stated, that at this time marshal Ney was in the neighbourhood of Ferrol and Corunna, as well as marshal Soult at Oporto. But these operations of the patriots were of importance, not merely from the critical situation in which they placed two divisions of the French army, and the relief and support they held out to the Portuguese, but as proofs and effects of the unsubdued and undaunted spirit which animated the inhabitants of this part of Spain. These successes were obtained, not by regular troops, but principally by the people hastily armed;—not in a part of Spain secure by its distance or its local advantages from the irruption of the French, but in the immediate neighbourhood of its armies:—not by men who had been encouraged to these enterprises by having witnessed the enemy defeated, but by those very

people who a short time before had seen the English army compelled to retreat before him.

In the beginning of April the principal Spanish and French armies were situated as follows. The marquis de Romana with the remainder of his forces was at Villa Franca. General Cuesta, having been joined by a corps under the duke d'Albuquerque, had halted in his retreat before the French at Vera Cruz. General Reding, having suffered severely in an attempt to surprise Barcelona, and in some engagements near Tarragona, had been reinforced by the army of Blake, and both were employed in opposing the progress of the French in Catalonia. With regard to the French forces, marshal Soult was at Oporto; marshal Ney in the neighbourhood of Corunna and Ferrol; and marshal Victor was advancing towards Lisbon, on the right side of Badajoz, after having compelled the Spanish forces under Cuesta and the duke d'Albuquerque to retreat before him.

The only engagement that is worthy of notice, either on account of its general nature or the consequences which resulted from it, is that which took place at Medellin between marshal Victor and general Cuesta. When the latter had retreated so far as to have covered the junction of the army commanded by the duke d'Albuquerque, he received intelligence that the enemy had sent forward part of his troops towards Merida and Medellin. Towards the latter place the Spanish general marched: on his arrival he found the whole of Victor's division, consisting of about 20,000 foot and 3000 cavalry, drawn up in front of Medellin. The position of the enemy was well chosen, and his army skilfully disposed.

posed. According to the usual plan of the French, the infantry, formed into close columns, presented a formidable front to their opponents if they should attack them, and at the same time enabled them to direct a powerful and massive assault, if it were deemed advisable that they themselves should be the assailants. The flanks of the infantry were covered and protected by the cavalry, and in their front six batteries occupied a position from which they could sweep with a galling and destructive fire the charge of the Spanish army. Against the enemy so drawn up and defended, Cuesta without hesitation determined to commence a rapid and general attack. His infantry advanced with great steadiness and gallantry, notwithstanding they were exposed to a tremendous fire from the batteries in front of the enemy. The manœuvres which he directed for the purpose of gaining possession of these batteries were executed with a promptitude, precision and regularity, that would have done honour to the most veteran and experienced troops. The left wing of the Spanish infantry advanced within pistol-shot of the French; the first battery was already taken: the cavalry of the enemy made a charge in order to regain possession of it: to oppose them the Spanish cavalry regiments of Almanza and Infante, and the two squadrons of the imperial chasseurs of Toledo were ordered to advance; but instead of executing this order, they wheeled round, fled before the enemy, and threw the left wing of the Spanish into disorder. The French, perceiving and taking advantage of this circumstance, directed their undivided and most strenuous efforts against the right and centre of the Spanish.

General Cuesta did all in his power to restore order on his left wing, and to check the attack on his centre and right; but finding his efforts unavailing, he was obliged to retreat. The loss of the Spaniards in this engagement was very severe: upwards of 170 officers were either killed, wounded, or taken prisoners; and the loss in rank and file bore rather more than the usual proportion to this number of officers.

Soon after the battle of Medellin, the supreme junta issued from Seville, where they had established themselves, a decree, in which they declared to the Spanish nation, that the general of the army of Estramadura, and the corps which had withstood the enemy in the engagement, had deserved well of their country. Cuesta was by the same decree raised to the rank of captain-general: the officers of his army, whom he reported favourably, were advanced one degree: the soldiers were to be decorated with a badge of honour, and to receive double pay for one month from after the battle. In this decree no notice is taken of the officers and men to whose misconduct the victory of the enemy was owing; but Cuesta, in his general orders, thought proper to suspend three of his colonels, and to reprove the conduct of several of the regiments of cavalry.

The disposition of the British government toward the Spanish patriots still continued in a high degree favourable; and their determination to support them, which had hitherto been destitute of the usual formalities of a treaty, was early in the year expressed to the world by a solemn treaty of peace and alliance between Great Britain and Spain. Don Pedro Cevallos,

Cevallos, the author of the exposition of the plans and intrigues by which Bonaparte had got Charles and Ferdinand into his power, was sent to London as ambassador from the supreme junta, acting in the name of Ferdinand, with ample powers to form an alliance with the British court. The reception of this nobleman was a decisive proof of the resolution of the British ministry to abide by the Spaniards; and when viewed in connexion with the tenor and amount of the alliance formed between them, no doubt could be entertained that the Spanish insurrection was regarded as promising a most favourable result by the British cabinet. The most important and interesting articles in this treaty are the third and fourth:—by the former his Britannic majesty not only engages himself to assist the Spanish nation in their struggle against the usurpation and tyranny of France, but he also promises “not to acknowledge any other king of Spain and of the Indies thereunto appertaining, than his catholic majesty Ferdinand VII., his heirs, or such lawful successor as the Spanish nation shall acknowledge:”—by the 4th article the contracting parties agree not to make peace with France except with common consent.

In order to carry into effect the promise of assistance which the British ministry had bound themselves to afford to the patriots, and at the same time to free Portugal from the French forces, sir Arthur Wellesley was dispatched to that country with an army, which, though not very numerous, was extremely well equipped and provided, and was deemed by the general himself perfectly equal to drive the enemy from Portugal, and to defend it from any future attacks they might

make against it. The situation of Soult indeed began to be very hazardous;—cut off as he was from any immediate and effectual communication and support, and dependant for the supply of his army upon an exhausted and hostile country. In advancing from Gallicia into Portugal he seems to have calculated upon uniform success, and an open and unopposed route into the very centre of that kingdom. He does not appear to have taken into the account the resistance the Portuguese were capable and disposed to make, which, though not so general and uniform as could have been wished, necessarily called for great circumspection on the part of the French general, disconcerted his plans, and weakened his armies. After he had made himself master of Oporto by the pusillanimity and insubordination of its inhabitants, his intention undoubtedly was to march forward towards the south of Portugal, where he expected to effect a junction with Victor. But after he had experienced the resistance of the Portuguese, and had learnt that a formidable British army had again landed in the Peninsula, he attempted to retrace his steps, and to force a passage into Spain by the route of Zamora. In order to open himself a way in this direction, it was absolutely necessary that he should gain possession of the important pass of Amarante:—but after five days obstinate fighting, in which all his efforts were met and successfully resisted by general Silveira, who defended this pass, marshal Soult was obliged again to retreat back upon Oporto. At this period marshal Victor was posted at Merida, while general Cuesta occupied a position at Monasterio, with his advanced guard at Los Santos.

As sir Arthur Wellesley conceived that the French army under marshal Victor was sufficiently watched and checked by the Spaniards under Cuesta, he determined to advance, as soon and speedily as he could after he landed in Portugal, against marshal Soult, for the purpose of driving him out of Oporto. While he therefore proceeded directly towards this city, marshal Beresford, who commanded a body of Portuguese troops whom he had organized and disciplined, directed his route to the upper Douro. But Soult, aware of the force which was marching against him; sensible that he was totally unequal to the combat; and at the same time desirous to give Victor an opportunity of pushing into the south of Portugal, left nearly defenceless, withdrew the main body of his army, but left his rear-guard for the purpose of drawing sir Arthur Wellesley further on in pursuit of him. When the advanced guard of the British arrived at Vendasnovas, they fell in with the out-posts of the enemy, consisting of about 4000 infantry and a few squadrons of cavalry. The position of the French was strong: they occupied the heights above Grijon, having their front covered by wood and broken ground. Their left flank, however, was soon turned by general Murray, while their right was vigorously attacked by a Portuguese regiment; and at the same time their centre was driven in by a division under major Way. After a short resistance they fled; and during the night they crossed the Douro, and destroyed the bridge over that river. In order to assist the operations of marshal Beresford, it was necessary that sir Arthur Wellesley should lose no time in pursuing the enemy across the Douro. The passage

however was difficult and hazardous; and it required the characteristic cool and collected valour of the British soldiers to effect it as they did, with complete success and without disorder. The enemy appeared at first not disposed to offer any opposition to the passage of our troops across the river: but as soon as the first battalion under general Paget were landed, and had taken up their position, the French poured down upon them, hoping, as they were alone and unsupported, to conquer them by superiority of numbers. In this they were mistaken; for this single battalion receiving the attack of the French with the utmost steadiness and bravery, presented an immovable front to the enemy till such time as they were supported by the other divisions of the British army. While the French were renewing their attacks, general Murray, having crossed the river at Ovintas, appeared on their left flank; and general Sherbrooke, having forced his way into the city of Oporto, and crossed the river at the ferry, threatened their right flank. Dismayed and thrown into confusion by these manœuvres, they retired hastily towards Amaranthe, leaving behind them several prisoners and five pieces of cannon.

Sir Arthur Wellesley hoped to be able to cut off the retreat of Soult. The Portuguese general Silviera was posted upon the Tamaga. If he had been able to have held that position, no retreat would have been open to the enemy, except across the Minho. On this point it was the intention of sir Arthur Wellesley to have pressed the enemy so closely, that he would not have been able to have effected his passage: but the loss of the bridge of Amaranthe, which general

neral Silveira was unable to defend against Soult's army, afforded the French an opportunity of escaping into the north of Spain. The British general, however, pursued him for a short distance; and in the skirmishes which occasionally took place between the advanced guard of our army and the rear of the French, we were uniformly successful. In order to render his flight more rapid and successful, Soult was under the necessity of abandoning the greater part of his artillery and baggage. Sir Arthur Wellesley, after he gave up the pursuit of Soult, immediately commenced his march to the south of Portugal, where his presence was become necessary, in order to protect Lisbon and its vicinity from marshal Victor. This general, finding the capital open to his attack, commenced a rapid march towards it, and was diverted from his purpose only by the return of sir Arthur Wellesley, and by the intelligence which he received of the partial defeat and flight of marshal Soult.

In reviewing these operations, it is impossible not to be struck with suspicion that Soult delayed his retreat from Oporto and offered the rear of his army to the attack of the British, principally for the purpose of drawing sir A. Wellesley from the protection of Lisbon, and thus affording time and opportunity for Victor to march against that city. It may also be doubted, whether, if the British general had not been so exclusively intent upon a direct and straight-forward attack against marshal Soult, as to neglect the necessary operations against his flanks and rear, the enemy would have escaped so completely and with so little loss. Had sir Arthur Wellesley not reckoned so confidently and securely as he did,

upon the ability of the Portuguese general Silveira to defend the pass of Amaranthe, the retreat of the French by this route would undoubtedly have been blocked up. It is probable if the main body of the British army had crossed the Douro at Lamego, and thus hung upon the flank of Soult's army, while a division had taken the road to Oporto, the French general would have been compelled to have retreated by the northern road, in which direction his army would have suffered more, and the chance of our overtaking him would have been much greater.

In the mean time the affairs of the patriots were chequered with alternate success and disaster in the greater part of Spain; but in Galicia the success, at least for a season, greatly preponderated. The division of the Minho, under the count de Noronna, which formed the left of the marquis de Romana's army, fell back upon Vigo, for the purpose of obtaining supplies of ammunition, and of securing a position where he might oppose the enemy with advantage.— On the 6th of June, the Spanish army crossed the river in boats, and entrenched themselves on the left bank. The next day, the enemy under the command of marshal Ney, and general Loison, amounting to 8000 men, aided by 6 pieces of cannon, attempted the passage of the river; but meeting with a most brave and vigorous opposition during the space of ten hours, they gave up the attempt for that day. On the 8th, at break of day, the French renewed their attempt: at first they met with partial success; part of them succeeded in passing the bridge of Lodi, but they were repulsed in endeavouring to cross the bridge of St. Payo. Foiled at this:

this part of the river, they endeavoured to conceal another meditated attack, a league and a half higher up, against the bridge of Caldenos. Here, however, the Spanish army received them with such a determined resistance, that they were under the necessity of giving up the attack. Still determined if possible to gain the opposite side of the river, the French on the evening of the 8th sounded it, near the sea; but a well directed fire from the regiment of Murrajo forced them to abandon this enterprise.

Early in the morning of the 9th, the French began a precipitate retreat towards St. Iago. These actions are not deserving of particular notice so much on account of their extent or important consequences, as because they exhibit more persevering and steady courage on the part of the patriots than they generally displayed. The Spanish, indeed, were greatly superior to the enemy in point of numbers; as their army consisted of 13,000 men, including 150 cavalry: but of this number 4000 were without muskets, and a large proportion of the remainder were raw and irregular troops, by no means accustomed or disciplined to warfare. When these circumstances are taken into consideration, the battle of St. Payo may justly be deemed highly honourable to the Spanish patriots. In consequence of the defeat of marshal Ney, and his retreat on Corunna, and afterwards towards Lugo, Ferrol and Corunna were evacuated by the French, and taken possession of by the patriots. These advantages, however, were in some degree counterbalanced by the recapture of St. Andero. This town, destined to suffer dreadfully by its fre-

quent capture and recapture, and of great importance both to the patriots and the French, on account of its situation, was taken by general Ballasteros on the 10th of June. On that very night the French general Bennet, at the head of a large body of troops, came suddenly and unexpectedly upon it, and after having gained possession of it, put the whole Spanish garrison, amounting to 5000 men, to the sword. General Ballasteros at first eluded the search of the enemy, but was afterwards taken.

In the north-east of Spain, the army of Blake was principally occupied in endeavouring to relieve, or to throw succours into, Gerona, which still held out against all the efforts of the enemy. This general also made an attempt to regain possession of Saragossa; in which he not only completely failed, but exposed his army by it to a fatal and inglorious defeat at Belchite. He was opposed by the French general Suchet. The Spanish army having been compelled to retreat before the enemy, took up a strong position, on the 17th of June, near Belchite. The centre was defended by a bridge; the right and left wings were covered by intrenchments; and the front was protected by deep ravines. Blake trusted greatly to the strength of his position, and received from his troops the most positive assurances that they would do their duty. The enemy at first appeared on the heights, and soon afterwards directed their attack against the left flank of the Spanish army; this attack, supported by 20 discharges of cannon, was completely successful. According to the account of the battle published by general Blake, one of his regiments was thrown into confusion or struck with a panic,

panic, by one of the enemy's grenades. The panic spread rapidly; the utmost disorder prevailed; regiment after regiment fled without ever having discharged a gun; and in a short time, only the general and officers were left to oppose the enemy. In their flight the Spaniards not merely abandoned their baggages, but they even threw away their arms. One regiment only, the first regiment of Valencia, rallied about two leagues from the field of battle, and attempted to defend themselves; but they were dispersed or cut down by a body of the enemy's hussars. The fruits of this victory, disgraceful to the Spaniards rather than honourable to the French, were 9 pieces of cannon, immense quantities of provisions, stores and ammunition, and upwards of 3000 prisoners. The loss of the French was very trifling, not exceeding 40 killed and 200 wounded. After this fatal defeat, Blake was obliged to quit Arragon, and, at a distance from the enemy, endeavoured to restore discipline into his army.

The nature of the war in Spain at this time was very singular, and sufficiently indicated both the inability of the French armies to make themselves masters of the Peninsula, and of the patriots to drive their enemies beyond the Pyrenees. Scarcely a month passed without the hostile armies coming to action; but the battles, though frequently decisive in themselves, led to no important consequences. When victory declared for the French, they contented themselves with pursuing the routed army to a short distance, but did not venture to advance much beyond their former positions. When the Spaniards were victorious, they were equally cautious in pushing forward.—

Besides these remarkable circumstances attending this period of the Spanish war, there appeared a total want of unity of plan, both in the movements and operations of the Spaniards and of the French. In every respect, it must have been of the highest importance to the former, to have made themselves masters of Madrid: such an exploit would not have more disconcerted and disheartened the French, than it would have animated and encouraged the patriots. Yet the armies which they had on foot, instead of being united for the purpose of attempting the capture of Madrid, were scattered over a wide extent of country; and had so little communication or connexion in their plan of operations, that the success of one of them, not only did not compensate for the defeat of another, but did not even effectually promote the common cause. It is reasonable to suppose, that the great object of the French must have been, to have driven the junta from Seville, and thus scattered a set of men, who although they egregiously neglected their duty, in the proper organization and equipment of the armies, were very active, by their proclamations and addresses, in keeping alive the popular hatred and indignation against the French.

Before, however, the French could reach Seville, or indeed advance with safety into the south of Spain, it was absolutely requisite that they should gain possession of the passes of the Sierra Morena.—In the strong holds of these passes a considerable body of Spanish forces under general Venegas was posted: so strong was the position they occupied, that Sebastiani did not deem it prudent to attack them: he therefore had recourse to a feigned

feigned retreat, for the purpose of drawing them into the plain. This manœuvre at first appeared to have succeeded completely. The Spaniards left the Sierra Morena, and crossed the Guadiana towards the position which Sebastiani had taken. As soon as intelligence reached Madrid that the Spaniards had deserted their strong holds, and that a passage into the south of Spain might easily be effected by their defeat, Joseph Bonaparte left the capital and proceeded to Consuegra. The Spaniards, however, aware of the force and design of the enemy, suddenly recrossed the Guadiana, and reoccupied the passes of the Sierra Morena.

When Joseph Bonaparte found that the plan of passing into the south of Spain through the passes of the Sierra Morena was hopeless, he joined the army under marshal Victor, bringing with him considerable reinforcements from general Sebastiani's division. Victor with his army thus strengthened, and amounting to about 35,000 men, was stationed in the neighbourhood of Talavera, and along the banks of the river Alberche.--- He had taken up this position for the purpose of opposing the march of the united British and Spanish armies against Madrid. Sir Arthur Wellesley, after he returned from his pursuit of Soult, had remained long inactive in the neighbourhood of Lisbon. He was anxious, if possible, to strike some decisive blow; but before he attempted it, it was absolutely necessary that he should have the cooperation of general Cuesta. Considerable difficulties, which have never been explicitly stated, stood in the way of this cooperation for some time. At length the general agreed on the plan of operations which they

were jointly to pursue: their armies were united, and the march toward Madrid was begun. The Spanish army, under the immediate command of Cuesta, amounted to thirty-eight thousand men. The force of Venegas, who had again advanced as far as Madrilejos, consisted of seven thousand cavalry, and a proportionate number of infantry. Of these troops, 14,000 were employed in guarding the bridge D'Arzobispo. On the 20th of July a complete junction of the British and Spanish armies had taken place; and immediate measures were taken to carry into effect the plan of operations agreed upon by sir Arthur Wellesley and general Cuesta.--- Sir Robert Wilson, who commanded a Portuguese corps, which he had brought into a state of excellent discipline, was ordered on to Escalona on the river Alberche. The division of Venegas, at the same time, broke up from Madrilejos, and advanced to Argonda. After these preparatory and auxiliary movements had been made, the main British and Spanish army proceeded on to Talavera, where the right of the enemy's outposts were turned, and driven back by the Spanish guards, under the duke d'Albuquerque, aided by two British regiments under general Anson. As it was absolutely necessary, before the combined armies could advance, that the French should be driven from the position they held on the Alberche, sir Arthur Wellesley formed his columns for the attack on the 23d of July, but, at the request of general Cuesta, was induced to postpone it till the following day. On the 24th, early in the morning, it was discovered that the enemy had retreated towards Torrijos, in order that he might form a junction with general
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ral Sebastiani. The British army was unable to continue the pursuit, on account of the great deficiency of the means of transport; but the Spanish forces under Cuesta followed the enemy as far as Santa Ollala. In the mean time, all the French forces in that part of Spain were united, consisting of the divisions of marshal Victor and general Sebastiani, the guards of Joseph Bonaparte, amounting to about 8000 men, and the garrison of Madrid. This force was commanded by Joseph Bonaparte, aided by marshals Jourdan and Victor, and general Sebastiani. With this united force the French attacked the advanced guard of general Cuesta, and obliged him to fall back upon the British, with very considerable loss.

As the movements of the enemy left no doubt that they intended to bring the British and Spanish forces to a general engagement, sir Arthur Wellesley posted the army in such a manner as he thought would best enable it to sustain and repel the attack. The right flank was covered by the Alberche, in a wood on the right of which general Mackenzie was stationed, with a division of infantry, and a brigade of cavalry as an advanced post. The right wing consisted entirely of Spanish troops, and stretched from the front of the town of Talavera down to the Tagus: the position of this wing was naturally strong, as the ground was covered with olive-trees, and intersected by banks and ditches. On a commanding spot of ground between the two armies, a redoubt was constructed by the British, and brigadier-general Campbell with a division of infantry, a brigade of dragoons and some Spanish cavalry, was stationed.

On the 27th of July, the French

made a sudden attack upon the advanced post under general Mackenzie, who withdrew in excellent order, but with some loss, and occupied a position on the left of the combined armies. Towards the evening the enemy attempted to overthrow the Spanish infantry, which formed the right wing, but the attempt was unsuccessful. Other partial attacks were made in order either to try the firmness of the Spaniards, or to cover the grand attack on the left wing, where the British were posted. The ground here was open, and it was commanded by a height, on which a division of infantry under major-general Hill was stationed. Between this height and a range of mountains still further upon the left was a valley, which at first sir Arthur Wellesley did not deem it expedient to occupy; but in consequence of the enemy having made repeated attempts across this valley, upon the heights on the left of the army, two brigades of British cavalry, supported by the duke d'Albuquerque's division of Spanish cavalry, were placed in it.—The valley being thus defended from the irruptions of the French, they directed their movements to the range of mountains, but they were repelled by a division of Spanish infantry. The general attack of the French was directed at the same time against brigadier-general Campbell, who occupied a commanding spot of ground in the centre of the combined armies, and of course on the right wing of the British; and against the division under general Hill. Against the latter several columns of infantry marched, which were met, charged, and driven back by the 1st German, the light dragoons, and 23d dragoons, under the command of general

neral Anson. The last regiment suffered dreadfully in a brave but rash and ill-judged attempt to break through a solid column of French infantry. Nor were the enemy more successful in their attack upon general Campbell: they were completely repulsed by that general, supported by a regiment of Spanish cavalry and two battalions of Spanish infantry, and lost their cannon. General Sherbrooke's division, which formed the left and centre of the first line of the army, was next attacked: they immediately charged with bayonets, and drove back the enemy with great slaughter. The brigade of guards, which formed part of this division, in their eagerness to pursue the enemy, advanced too far, and were thrown into temporary confusion, by having exposed their left flank to the fire of the enemy's battery: part of general Cotton's brigade of cavalry, upon observing this, pushed forward to assist them, and covered their retreat towards their original position.

The enemy being thus completely foiled in all his attempts against the British, retreated across the Alberche, in the most regular order; having lost 20 pieces of cannon and a few prisoners. Their loss in killed and wounded was supposed to be nearly 10,000 men; among the former were generals Lapisse and Malot; and among the latter, general Sebastiani and Boulet.—The loss of the British was proportionally severe: the killed, wounded, and missing, amounting to nearly 6000 men; among the killed were major-general Mackenzie and brigadier-general Langworth. As the Spanish troops were only partially engaged, their loss was comparatively small, not exceeding 1000 men in killed, wounded, and missing.

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Scarcely had our troops time to congratulate themselves on having achieved this brilliant victory, when the unexpected intelligence was received that Soult, Ney, and Mortier, having formed a junction, had advanced through Estremadura, and were already in the rear of the British. There was no time for delay or hesitation: the army could be saved only by promptly adopting the most active measures. The bridge of Almaraz, by which one of the divisions of the army was to have crossed the Tagus, was destroyed, so that the whole troops were obliged to be conveyed over the bridge of Arcobispo. As no doubt could be entertained that the army of Victor, though defeated at the battle of Talavera, would again advance, as soon as he heard of the approach of the forces under Soult, Ney, and Mortier, it was necessary that part of the combined troops should remain at Talavera, as well for the purpose of checking Victor, as to take care of the wounded.—General Cuesta giving sir Arthur Wellesley the choice either to remain or to march against Soult; he preferred the latter, hoping that when the French general knew that he was to be opposed by the British, he would retreat, and thus leave the road into Portugal again open and unmolested. General Cuesta was accordingly left at Talavera, where it was hoped he might be able to maintain his position: if he found himself compelled to quit it, he was desired by sir Arthur Wellesley to bring the wounded along with him. On the 3d of August the British left Talavera, and marched to Oropesa: on the evening of that day, sir Arthur Wellesley received information that Cuesta meant to leave Talavera immediately, and that he would be

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obliged to let most of the wounded and sick fall into the hands of the French, from the want of means of conveyance. The reason alleged by the Spanish general for quitting Talavera, even before the French approached it, and deserting the sick and wounded of his allies, who had been confided to his care and protection, was, that he apprehended, without his assistance, sir Arthur Wellesley would not be able successfully to oppose the combined forces under Soult, Mortier, and Ney. By this movement not only did general Cuesta give up an important position, and abandon the British hospital, but he also exposed the combined armies to the imminent danger of an attack in front and rear at the same time. On one side were the corps of Soult and Ney 30,000 strong, in possession of the high road leading to the passage of the Tagus, at the bridge of Almaraz : on the other side there were nearly 30,000 men, under Victor, to whose advance no obstacle existed, after the retreat of general Cuesta from Talavera. In this embarrassing situation the most rapid retreat was indispensably requisite ; and to this the troops, having been without their allowance of provisions for several days, were very unequal. After mature deliberation, sir Arthur Wellesley resolved to retire by the bridge of Arcobispo, and to take up a strong position at Deleytosa. Here he remained unmolested by the French, and was enabled to recruit his army : but finding that the junta were by no means disposed to supply the wants which had prevented his pursuit of the French before the battle of Talavera, he judged it expedient to retreat to Badajoz.— Here during the remainder of the year his army remained not only

inactive, but exposed from the unhealthiness of the situation to the ravages of a very fatal disorder.

An attentive, cool, and impartial consideration of all the movements, operations and events of this campaign of sir Arthur Wellesley, will probably dispose us rather to admire his bravery, than to commend his foresight and circumspection. The victory gained at Talavera may undoubtedly be ranked amongst the most splendid that British valour ever achieved : nor is there any necessity, in order to gain it its due applause, to represent it as having been won over an enemy of more than double our force, thus forgetting and despising our allies the Spaniards, of whom the official account drawn up by the British general records, not merely that they covered the right wing, but that several regiments assisted in repelling the attacks of the French. But it may be questioned, whether a consummate general—a general whose object is not merely to gain a battle, but to reap and secure all the advantages of victory, and who is more anxious to benefit his country than to raise his own fame by his exploits, would have advanced so far into Spain, doubtful as sir A. Wellesley was of the hearty and effectual co-operation of the Spaniards ; destitute of the means of following up a victory or of securing a retreat ; and ignorant of the movements and strength of the enemy in his rear. Such a general as sir Arthur Wellesley will undoubtedly afford to the world many proofs of what British valour can effect ; but he is not exactly the man most likely or best calculated to conduct that valour to the success which it deserves.

CHAPTER XIII.

Affairs of Spain concluded—The War grows languid—French Power in Spain very limited and precarious—Siege of Gerona rivals Saragossa in the Bravery of its Defence—The French attack and take the Castle of Mountjoi—Blake throws Supplies and Reinforcements into Gerona in a most masterly and successful Manner—Assault of the 19th September—French repulsed—Augereau assumes the Command of the besieging Army—gets between Blake and Gerona—defeats the Spanish General and takes the City—State and Position of the Spanish Armies in the Beginning of November—Armies of the Centre, the Right, and the Left—Battle of Zamames—The Spaniards victorious—Consequences of the Victory—The Spaniards gain Possession of Salamanca—The Battle of Alba del Tormes—Operations of the Army of the Centre—resolve to advance to Madrid—Joseph Bonaparte leaves Madrid to oppose them—Battle of Ocana—The Spanish Army completely defeated—Remarks on the Causes of the Disasters of the Spaniards—The Duty and actual Behaviour of the Supreme Junta contrasted—Character of their Proclamations—The Marquis of Wellesley sent to them—persuades them to assemble the Cortes—Proclamation for this Purpose.

AFTER the unsuccessful attempt made by the French to surprise or force a passage across the Sierra Morena, and of the combined British armies to fight their way to Madrid, the war resumed for some time its former character. The British army had met with so little cooperation from the Spaniards, and the respective generals agreed so ill about either the general plan of the campaign or the particular mode of proceeding, that the common cause was not likely to be much benefited by their future union. The Spanish armies, again left to themselves, directed their attention to too many objects, and possessed among them too

slight a principle of union, to strike a decisive stroke against the power of the enemy. The French also, foiled in their attempt to cross the Sierra Morena, seemed to have contented themselves for some time with desultory warfare, and to have abandoned the plan of advancing into the south of Spain.

At this period the power of Joseph Bonaparte in Spain was very limited in its extent, and very precarious and unstable in its foundation, so that the exercise of a common share of vigour and activity on the part of the Spanish generals, aided by the regular supply of arms, ammunition, and provisions, on the part of the supreme junta,

would in all probability have obliged him to have fled a second time from his new capital. Navarre alone could, strictly speaking, be said to be entirely and securely in possession of the French. They did indeed cover with their armies, and nominally occupy most of the Peninsula to the north of the Tagus and the Ebro; but their footing was unsteady, and preserved merely by the presence of military force. The inhabitants scarcely repressed their detestation of the tyranny under which they laboured during the actual occupation of their territory by the French armies; and as soon as circumstances compelled their enemies to withdraw from any particular spot, the ill-concealed and ill-subdued animosity of the Spaniards broke out; the sovereign forced upon them was disclaimed, his authority renounced, and their legitimate monarch reinstated in his rights.

The provinces nearest the Pyrenees evinced, perhaps, the most determined and persevering spirit of resistance to the French. In Biscay, notwithstanding it was open to continual incursions from the enemy, no diminution of patriotism, no dread of danger or difficulty in defence of their independence were manifest. The immortal defence of Saragossa is alone worthy of placing the people of Arragon in the same distinguished and exalted rank of patriotism with the people of Biscay. Nor were the Catalans, a race of men honourably known in Spanish history for their active industry, and their ardent love of liberty and independence, inferior either to the Arragonese or the Biscayans. We have already had occasion to advert to the siege of Gerona. The capture of this place was as necessary to the fur-

ther movements and operations of the French on the side of the eastern Pyrenees, as its defence and retention were desirable to the Spaniards, both for the purpose of checking and retarding the progress of the enemy, and for holding out an animating and influencing example of what they were capable and determined to effect, where, from local circumstances, the superior force and skill of the French could be of little avail.

After it had been twice invested, and had twice driven back the assailants, the French again advanced to besiege it with more formidable means, and in a more regular and cautious manner. As being the key to Catalonia, they appeared resolutely bent on not relaxing in their efforts this time till they had accomplished its capture, and thus secured themselves in the possession of that province. For its defence the inhabitants had little but their own valour to trust to. Almost the only strong part of it was the castle of Montjoi: against this the French directed repeated and dreadful attacks, which were met and opposed by the most heroic bravery. In order to bring the assistance of religious feeling to patriotism, a crusade was established within the walls; all those who assumed the cross, and who continued in the service during the whole of the war with France, were promised exemption from the personal tax for ever; and each repulse of the enemy's attacks was crowned and followed by solemn procession to the cathedral.

It would far exceed our limits to enter into a detail of all the events that occurred during the siege of this place, or to record the numerous instances of bravery which the inhabitants of all ages and conditions,

tions, and of both sexes, uniformly exhibited. But the attack of the French on the castle of Mountjoi in the beginning of July, and the more interesting and prominent circumstances connected with the siege of Gerona, are well worthy our notice. On the 7th of July the French, to the number of 6000, having effected three breaches in the walls of the castle of Mountjoi, proceeded to the assault. The garrison, though comparatively few, and enfeebled by hard and unremitted duty, as well as by an inadequate supply of provisions, immediately made the necessary preparations to repel the assault. Five times the French advanced to the breaches; and as often were they driven back with considerable slaughter. From the time of this attack till the middle of August, the French contented themselves with bombarding the fortress and the city of Gerona, and with intercepting all supplies that were attempted to be introduced into the former. The ill success they met with on the memorable 7th of July determined them to proceed with more caution, and to carry on the siege in a more regular and scientific manner. They therefore began to raise the necessary works: but in this they met with great obstacles and difficulties, partly from the nature of the ground, and partly from the incessant bombardment and sallies of the besieged. They were obliged to raise their works on a rock, and to form their intrenchments in the presence and under the fire of the garrison. On the 12th of August the besieged, finding themselves unable any longer to defend the citadel of Mountjoi, retired unmolested unto the city of Gerona, leaving the enemy

only a heap of ruins, and a few pieces of nearly useless cannon.

The French having thus gained possession of the fortress, were enabled to carry on the siege of the city to greater advantage, while the inhabitants of the latter, become more numerous by the addition of the garrison of Mountjoi, were reduced to greater extremities for provisions, and even for the most necessary articles for the sick and wounded. As it was closely invested, and cut off from all regular or certain communication with the rest of the province, it was extremely difficult and hazardous to concert with the garrison any measures for its relief or supply. The enemy indeed presented a line not very strong or formidable, from the extent to which it was drawn out; but on the least alarm or apprehension of attack, he had it completely in his power to concentrate this line, and thus present a formidable obstacle to the relief of the garrison. Nevertheless Blake, who commanded the Spanish army in Catalonia, determined to throw in not merely a supply of provisions, but also a reinforcement of troops. This he was more likely to effect by stratagem than by open attack: he therefore formed his plan accordingly, and made such movements and arrangements as seemed to indicate his intention of attacking the enemy in a quarter directly opposite to that by which the convoy was sent into the city. A body of 1200 infantry supported by some cavalry marched against the enemy's troops that were stationed in Brunolas, and commenced an attack upon them with so much impetuosity and vigour, that they were induced to think, that the convoy for the supply of Gerona

was under the escort and protection of this body of Spanish troops. They therefore bent their chief attention and force to this point; but notwithstanding this circumstance, the excellent position they occupied at Brunolas, and the entrenchments they had thrown up, the Spanish troops succeeded in gaining the summit of the hill, and implanting there the Spanish colours. The enemy, perceiving the success of what they deemed the real and principal attack, weakened the other part of their army for the purpose of sending reinforcements to Brunolas, and, by threatening to turn the Spanish corps, obliged it to descend into the plain. In the mean time a body of 4000 infantry and 500 cavalry escorted along the right bank of the river a convoy of nearly 2000 mules, and having defeated the enemy, weakened and unprepared by having had their attention and force drawn off to another quarter, succeeded in effecting their entrance into Gerona. As soon as the French perceived this manœuvre, they immediately contracted their forces, and invested the city more closely, in order to prevent the return of the mules, drivers, &c., from it; but by a variation of the same manœuvre, Blake again deceived the enemy, and succeeded in getting them all back. The garrison of Gerona was thus raised to the effective strength of 3000 men, and supplied with an abundant store of ammunition, provisions, and the necessary articles for the sick and wounded.

The French-generals St. Cyr and Verdier, disappointed and mortified at the means of prolonged defence with which Gerona had been thus supplied by the superior skill and enterprise of Blake, resolved to at-

tack it with redoubled force. The 19th of September was fixed upon for the assault, which they seem to have looked forward to with the most sanguine hopes of success: the garrison of Gerona was indeed strengthened, and they no longer were exposed to the horrors of famine, nor suffered under the feebleness resulting from insufficient provisions: but the walls of the city had been levelled to a great extent, the houses were reduced to ruins, and three practicable breaches had already been made. Against these breaches three strong columns of the enemy were sent, and against these not only the garrison, but all the inhabitants capable of bearing arms, eagerly presented themselves. The junta assembled at their usual place of meeting to direct and animate their countrymen—the ladies of the town offered their services to assist the wounded; and, in short, one spirit of heroism united the brave defenders of Gerona. For a moment the enemy succeeded in mounting two of the most extensive breaches, and in penetrating as far as the neighbouring houses: but their success and triumph were momentary, and were revenged by the most dreadful slaughter. After being three times driven back, the French, with a degree of fury bordering on phrensy, advanced to the breaches a fourth time. But their fury produced only fresh defeat and increased slaughter: the Spaniards were enthusiastic in their determination to die rather than yield: but their enthusiasm was fortunately united to a clear and steady perception of the faults and rashness of the enemy, and of the advantages which might be derived from them. The French, at last wearied out, and greatly reduced in numbers,

bers, retired from the assault. So provoked was Bonaparte at the failure of this assault, that generals St. Cyr and Verdier were ordered to Paris to answer for it.

On the recall of these generals, the command of the besieging army was bestowed on marshal Augereau (the duke of Castiglione), who immediately altered the plan of operations, and resolved to direct his attention and efforts towards the defeat of Blake's army, before he renewed his assault upon Gerona. The Spanish general had posted his troops on the heights of Brunolas, from which marshal Augereau used the utmost exertion of his skill and force to drive him. On one side of these heights the ground is so completely covered with thick woods, that a large body of men may advance unmolested and unnoticed. On this side a corps of the enemy about 3000 strong made an attack: as they had reached the Spanish advanced posts before they were observed, they succeeded in throwing Blake's troops into partial and temporary disorder and dismay. But a party of men advancing from the centre to the support of the advanced posts, the French were unable to derive any essential or permanent advantage from their unexpected and sudden attack; and upon the junction of the Walloon guards with the advanced posts, and the body from the centre, they were compelled to retreat with considerable loss. Augereau, however, was not a general to be disconcerted or disheartened by this failure; he renewed his attack with a superior force, and at length compelled Blake to retreat to a considerable distance from Gerona.

After having driven Blake to a distance from the city, the French

general turned his attention to the large magazines which were formed at Hostalrich, for the purpose of being thrown into Gerona as opportunities might occur, and the necessities of the garrison might demand, and which also served for the supply of Blake's army. Against these magazines marshal Augereau dispatched a strong division under the command of general Pino. Hostalrich was strongly fortified; and in front of the fortifications the advanced posts of the French were drawn up, while a battalion of 800 men occupied an almost impregnable position at Massanet. The entrance into the town itself was defended by a body of 2000 men and nearly all the inhabitants. The French having driven in the advanced posts, and the battalion at Massanet, set fire to the gates of Hostalrich, and took by storm one quarter of the town; but in the streets they experienced fresh difficulties, and encountered the most determined resistance. Every position was disputed, from every house the French were assailed with a destructive fire of musquetry. At length they succeeded in gaining possession of the principal quarters of the town; when the inhabitants joining the troops of the line, drew up in the centre on a level piece of ground, and stood for some time firm, making an obstinate resistance to the repeated attacks of the enemy on their centre as well as both their flanks. At length they were forced to give way; and the whole town with all the magazines fell into the hands of the French. Although Blake was within a few leagues distance, yet he did not feel himself sufficiently strong to relieve Hostalrich, or to defend those magazines which were essential to the further resistance.

ance of Gerona, and highly necessary for his own army. The fate of this city was now near at hand, and unavoidable; not only was it deprived of the hope of all supply, but general Augereau had been enabled, in consequence of the defeat of Blake, to place himself between it and the Spanish army. It still held out, however, for a considerable length of time, nor did it surrender till its walls had become useless, and the strength, but not the spirit, of its inhabitants been utterly exhausted by fatigue and famine.

The Spanish armies towards the beginning of the month of November consisted of three divisions:—the army of the right under the command of general Blake, the operations and defeat of which we have just narrated:—the army of the centre under the command of generals Cuesta and the duke D'Albuquerque, who had succeeded Venegas, appointed commander of Cadiz:—and the army of the left under the command of the duke del Parque. This general had the character of great activity and enterprise, and possessed such talents as led to the reasonable hope, that his want of experience would soon be remedied; and that while it did exist, it would not lead him to rash and injudicious movements. The army which he commanded was posted on the heights of Zamames, about six leagues to the south of Salamanca. The French army which he was employed to watch, stretched from Placentia to that city, and had for some time evinced by their manœuvres and movements their intention to lay siege to Ciudad Rodrigo. Marshal Ney had resigned the command of this army, and had been succeeded by general Marchand.

As the intention of the French to besiege Ciudad Rodrigo could not be carried into effect till the Spanish army had been dislodged from the heights of Zamames, they directed their utmost efforts to accomplish this object. The position of the Spaniards was naturally very strong, and they occupied it in such a manner as to derive the utmost possible advantage from this natural strength. But the French general overlooking the strength of the position, and calculating only upon the insufficiency of an army consisting chiefly of peasants, and unskilled and undisciplined as the Spaniards undoubtedly were, vauntingly proclaimed before he left Salamanca, his intention of annihilating this peasant army, and afterwards of marching against the other division of the Spaniards under general Ballestanos. The Spaniards under the duke del Parque amounted to nearly 30,000 men:—the French force consisted of 10,000 infantry and 1200 cavalry, supported by 14 pieces of artillery. Pursuing the usual plan of tactics, general Marchand divided his troops into three columns, which respectively advanced against the right, the centre, and the left of the Spaniards. The attacks on the centre and right were but feints to cover the real attack upon the left: here the position of the Spaniards was weakest; and here for a short time the enemy were victorious. The Spanish cavalry, which in almost every engagement since the breaking out of the insurrection has behaved in a very cowardly manner, fled at the approach of the French; by which circumstance the left flank, which they were stationed and appointed to cover, was exposed and obliged to fall back. At this critical moment, two Spanish general

general officers, putting themselves at the head of the vanguard, checked the progress of the enemy, and retook six pieces of cannon which had fallen into their possession by the retreat of the cavalry. The French endeavoured in vain to regain their advantage on the left wing by repeatedly advancing in great force; but after an obstinate contest they were under the necessity of retreating, and giving up their attack on all points. The Spaniards, animated by the success they had experienced in repelling the attack of the enemy, in their turn became the assailants, and pursued the flying foe with such intrepidity and so closely, that their flight soon became very precipitate and disorderly. In this battle the French lost nearly 1000 in killed, wounded, and prisoners:—the loss of the Spaniards was about 300. Had the cavalry of the latter been more numerous and better disciplined, greater advantages would undoubtedly have been derived from this victory.

The immediate consequences of the battle of Zamames were very favourable to the Spaniards. It opened to them a road to Salamanca, while at the same time it obliged the French to evacuate that city. Three days after the battle, the duke del Parque by a rapid lateral movement crossed the Tormes towards Ledesma, while he pushed on a column in a different direction, as if he meant to have reached Salamanca, by Muniguela. When he arrived on the heights to the north of that city, he was informed that the French had evacuated it on the preceding night, and were then retreating towards Toro, laden with the plunder they had seized from the churches. It seems probable, that

if the Spanish general had not effected a rapid and masked march to Salamanca, by Ledesma, he would not have been able to have reached the city by the road of Muniguela: for the French, apprehending that the latter was the route he meant to take, had drawn to it a very strong force, occupied many favourable positions, and rendered the passage of the Tormes at that place extremely difficult. So completely concealed was the route that the Spanish general actually took, from general Marchand, that the latter learnt his approach only a very few hours before his arrival.

By the occupation of Salamanca the Spaniards were enabled again to direct their attention and efforts towards their grand object,—the liberation of their capital from the presence and power of the French. Provided the duke del Parque could retain possession of that city, he would be in a situation for co-operating with the army of La Mancha; and if both the armies at once marched forward to the capital, the French could scarcely expect to be able to oppose their progress. It became therefore of the utmost consequence to the latter, that the Spaniards should be driven from Salamanca. The duke del Parque, after taking possession of the city, had occupied a position on the heights of Pena di Francia: for the purpose of attacking his army in this position, the French gradually accumulated a force amounting to nearly 20,000 men. Had the Spanish general acted with the necessary caution and prudence, and confined himself to defensive measures, he most probably would at the same time have defeated the schemes of the enemy, and have rendered his army more equal in point

point of discipline and experience to the French:—but blinded and seduced by the advantages he had already gained, and anxious to co-operate with the army of La Mancha in the proposed advance to Madrid, the duke del Parque quitted his strong position, and crossed over to the right bank of the Tormes. Here marshal Kellerman (the duke of Dalmatia) was posted with an army, with which he would not have ventured to have attacked the Spaniards, but which, when acting on the defensive, was an over-match for them. The battle was fought at Alba del Tormes, and terminated in the total defeat of the Spaniards. It does not appear that the victory was long doubtful, or that the patriots displayed the same valour which had so recently rendered them conquerors at the battle of Zamames. Their retreat points out the great difference between the French and the Spanish troops;—or rather between troops strictly disciplined and long inured to war, who, in the midst of an engagement, possess all their faculties cool and collected, and yield a prompt and complete obedience to the commands and example of their officers;—and troops, enthusiastic indeed, but who, from their very enthusiasm, see not clearly and coolly what is requisite, and obey not implicitly and readily what is commanded. Whenever the Spaniards were defeated, their flight was extremely rapid and disorderly: it was utterly impossible to rally them, or to form them, during their retreat, into such order as would render their retreat less incumbered and fatal, and more expeditious. So it was after the battle of Alba del Tormes. They fled in all directions, abandoning

their arms and baggage, leaving in the hands of the French 15 pieces of cannon, six standards, 10,000 muskets, and above 2000 prisoners. Their killed amounted to 3000, among whom were one general and several officers of inferior rank.—If we may credit the French account of this engagement, their numbers amounted only to 12,000, while the Spanish army consisted of 30,000 men. It ought, however, to be recollected, in justice to the latter, that of these 30,000 a great proportion consisted of peasants.

The chief Spanish army, or the army of La Mancha, was not more successful than the armies of the right and left. This army was very strong: besides a greater proportion of cavalry than usual, it possessed 60 pieces of cannon. The determination of the officers and men composing this army to force their way to Madrid, and never more to cross the Sierra Morena till they had accomplished that object, was represented as most enthusiastic and firm. It was now commanded by general Areisaja, while the army of Estremadura under the command of the duke of Albuquerque connected it with the army of the duke del Parque. The plan of the army of La Mancha was to cross the Tagus at Aranjuez, and to penetrate directly to Madrid, leaving one division to observe Toledo. The hopes of Spain were anxiously fixed on the operations of this army: it had been equipped at a great expense: five months had been spent in collecting and disciplining it: the troops had great confidence in themselves and in their leader; and the object to attain which they were professedly marching inspired them with no common degree of zeal and enthusiasm.

In order to oppose the progress of this formidable army, Joseph Bonaparte again left Madrid, attended by the duke of Dalmatia, the duke of Treviso, the duke of Belluno, and general Sebastiani: the latter commanded the cavalry, and the duke of Belluno was dispatched with his division to cross the Tagus near Fuente Duanna, for the purpose of cutting off the retreat of the Spaniards, if they should direct it in that route.

As the French were perfectly sensible of the inferiority in point of discipline and skill of the Spanish cavalry, they endeavoured to entice them to hazard an engagement in the open plain. Accordingly, instead of opposing their passage across the Tagus, they endeavoured to draw the whole of the army of La Mancha to the right bank of that river: part of it actually did cross the Tagus, when the Spanish general, perceiving the intention of the French, recalled it, and posted his whole forces at Ocana. The French being foiled in their manœuvre, resolved in their turn to cross the Tagus and attack the Spaniards. This they effected. At nine o'clock in the morning of the 19th of November, the advanced posts of the enemy came in sight of the Spaniards: at eleven o'clock the action commenced, and in the short space of two hours it was decided in favour of the French. But the battle, though short in its duration, was by no means ill-fought by the Spaniards. Their resistance was vigorous, and probably would have been crowned with success, had not the French, by a rapid and skilful manœuvre, succeeded in separating one division from the rest. After this fatal event, the utmost dismay and confusion took place. The remains of

the army, separated into different parties, fled in very opposite directions; and so rapid was their flight, and so great their terror of being overtaken, that they passed the Guidiana, and fixed upon Dumiël as the place of rendezvous for those who should escape. After such a defeat, and in such a flight, it was impossible to save their artillery: accordingly the whole of it fell into the hands of the French. A great number of prisoners were also taken, among whom were three generals, six colonels, and seven hundred inferior officers. Upwards of 40,000 muskets were found on the field of battle. The loss of the Spaniards in killed and wounded was comparatively small; while that of the French did not reach 1000 men.

Thus, at the close of the year 1809, did Spain witness the successive defeat and dispersion of her principal armies. Of the causes which led to their defeat, some are obvious and indisputable, while others probably lie beyond the discovery of those who did not witness their equipment and operations, and the talents and plans of the generals who commanded them. Too great confidence in their own strength,—ignorance of the force and movements of the enemy, joined to a foolish and ungrounded contempt of their power,—a total neglect of, or only a partial and temporary adherence to, the mode of warfare best suited to the nature of the Spanish troops,—are some of the causes, arising from the generals themselves, which may be detected by the most superficial acquaintance with the campaign of 1809. It is also obvious, that not one of their generals evinced any extraordinary military talents; and that the inferior officers must have been greatly deficient

deficient in skill and attention, since the discipline of the men exhibited scarcely any marks of improvement, after a continued warfare of eighteen months. But there are still other causes, with which the generals and inferior officers are not justly chargeable, that operated in a much stronger degree in producing the misfortunes of the Spanish armies. These causes must be sought after in the conduct and measures of the junta,—of that body of men, in whose hands was placed the liberty and independence of their country, and to whose incapacity or treason the loss of that liberty and independence, if they should ultimately be lost, must principally be attributed.

The line of duty along which the supreme junta of Spain ought to have proceeded with steady and un-deviating steps, was marked out to them in a clear and distinct manner. No very extraordinary talents were requisite: a patriotism so evident and influencing as to afford no room to suspect its purity, unwearied activity and constant vigilance were principally requisite. They possessed an instrument for opposing the power and the plans of Bonaparte, of which every government which he had hitherto overthrown had been destitute, and which, had they known its value, and its proper application and use, would have enabled them to have maintained the combat on more equal terms. The insurrection in Spain had, strictly speaking, originated with the people, and it was principally supported by them. The Spanish armies were formed and recruited, not from men who engaged in a military life merely for hire, and equally ignorant and indifferent about the cause for which they were going to shed their blood,

but from men who crowded to the standard, from the impression that the cause for which they were about to fight, was their own cause. In Germany, the great scene of the conquests and triumphs of the French, the people looked on as unconcerned spectators: that country was so divided into petty principalities, and the inhabitants had so often been transferred from one sovereign prince to another, that they felt little or nothing of that national spirit which binds man to his native land, and makes him regard a foreign yoke with dread and abhorrence. In Spain this national spirit existed in great purity and strength: towards the domination of any foreign power they would have looked forward with terror and indignation: but to the domination of France, the inhabitants of which they regarded with a peculiar mixture of contempt and abhorrence, they looked forward with an uncommon degree of dread. If, therefore, the supreme junta had made proper use of this national spirit of the Spaniards, and of their extreme dislike to the French,—if they had even enabled their countrymen to have carried into full effect what this spirit and antipathy prompted them to perform, there can be no doubt that the resistance to the armies of Bonaparte would have been more uniform, combined, and successful.

The duties of the supreme junta naturally divided themselves into those which had relation to the Spanish nation at large, and those which regarded the armies more particularly. With respect to the former, it was incumbent on the supreme junta, not merely to have cherished the enthusiasm of the Spanish nation, and to have applied it to the most beneficial purposes,

poses, but also to have aided and increased it by the adoption of such measures as would have brought interest to its side. The mass of the people no doubt were not sufficiently enlightened to have felt the want, or to have duly appreciated the value, of many of those blessings of civil liberty, on which the British nation so justly pride themselves, and for which they would cheerfully pour out their blood. Had therefore the promise and prospect of these blessings,—of a constitution similar to that which we enjoy,—been held out to the Spanish people, it is probable that it would have excited little desire or exertion. But there must have been many positive evils—evils which men in the most degraded and ignorant state know and feel to be such—the prospect of the liberation from which, provided they succeeded in driving the enemy beyond the Pyrenees, would have roused their minds and stimulated their exertions. All ranks of people in Spain, with the exception of some of the highest and most favoured grandees, suffered from the unjust and impolitic system of monopoly—a system which extended itself over some of the most necessary and useful articles of life. The removal of this monopoly—and consequently of the dearness and inferior quality, one or both of which constantly result from monopoly—must have been desired by the Spaniards. They might have turned an inattentive ear and an ignorant understanding to him who promised them many of the blessings of civil liberty; but they would undoubtedly have had their attention and interest strongly excited by the promise of the removal of those grievances under which they had long suffered;—of which they

were keenly sensible; and which trenched deeply and extensively on the very necessities of life.

The duties of the supreme junta, as they respected the army, were, if possible, still more clearly marked out, and lay in the way of fewer prejudices or fears. It may be that the junta were apprehensive, if they altered in any respect the situation of the mass of the people, innovations of a more serious nature and to a greater extent would creep in, or be forced from them. At any rate, it was impossible for them to relieve the people, without depriving those of their own rank and order of some of the privileges which principally distinguished and greatly enriched them. But prejudice, interest, or fear, could have little influence, when they considered in what manner they should conduct the affairs of the army. It was indeed necessary that they should adopt vigorous and active measures; but, as we have already remarked, the government of Spain laboured not under the difficulty and disadvantage which pressed hard upon those governments which had before warred with France. The latter not only were obliged to trust to soldiers who felt little or no interest in the contest; but they experienced no inconsiderable difficulties in recruiting the thinned ranks of their army. The supreme junta, on the other hand, found more pressing forward to fight the battles of their country than they could well employ or properly arm. There being then no difficulty or delay in getting men, the junta had only to turn their attention to the proper discipline and support of these men: they should by a regular and comprehensive system have established in different parts of Spain magazines

magazines for their armies:—on the contrary, it is notorious that the Spanish armies were often unable to proceed, or obliged to retreat, for want of provisions, while the French had abundance of them. In their own country it might have been expected that the movements, force, and probable operations of the enemy would easily have been learnt: here too both the junta and the generals whom they appointed were miserably and fatally deficient. The victories of Bonaparte had sprung in no inconsiderable degree from the unity of his measures and plans: the junta, instead of imitating him in this respect, appear either to have had no fixed and regular plan, or to have formed one, which from the multiplicity of its parts, and the total want of communication and union in the execution of them, was injurious rather than beneficial to the cause of the patriots. In short, the junta of Spain may fairly be said to have left undone almost every thing which they ought to have done, and to have done not a few things which were positively bad and prejudicial.

Nothing proceeded from them worthy of commemoration or praise, except their occasional addresses to the Spanish nation. The very circumstance of their issuing these addresses; the exertions and sacrifices to which they call the people; and the confidence of final success which they invariably breathe, are not a little singular and unaccountable, when it is recollected that they came from a set of men, on whose measures in a great degree depended the putting forth of the exertions they called for, and the realizing of those blessings which they predicted; and yet who, at the moment they were issuing these

addresses, were absolutely torpid and lifeless for every purpose of co-operation.

On the anniversary of the battle of Baylen the supreme junta addressed the Spanish nation. In giving the character of this paper we give the character of all their addresses: it is distinguished by a species of eloquence congenial to the Spanish temperament and turn of mind;—solemn and impressive—filled with lofty ideas, finding utterance in language of singular dignity and grandeur. But, like all the addresses of the supreme junta, it is too long: they appear to have forgotten, or never to have reflected, that it was intended for the great mass of the people; of whom by far the greatest number have neither patience nor intellect sufficient to peruse and understand a long address. On this point, as well as on many others, the example of Bonaparte ought to be well weighed, if not implicitly followed. In every address he puts forth,—whether to his army at the commencement of a war, or on the gaining of a victory, or to the French nation at large,—his words are few, but they speak directly and powerfully to the understanding, the feelings, the prejudices, and the pride of those to whom they are addressed.

We have said that some of the measures of the supreme junta were absolutely and really prejudicial to the cause of the patriots. Among these may be reckoned the restraints they put upon the liberty of the press: in the state in which Spain at that time was, the utmost liberty of the press which they were likely to employ could not possibly endanger their cause, or lead them to excesses, while it certainly would have been of essential benefit in many important respects. It was

impolitic

impolitic and unwise to restrain it, on the ground that if it were free the success of the French would be known; since it is absurd to expect, that a danger, the extent and propinquity of which is not known, can be provided against, or met with due firmness and presence of mind. If the supreme junta put restraints on the press because they were afraid their own inactivity would be exposed and condemned, they only added another proof of their own incapacity and want of patriotism: for such restrictions can be necessary only where the people are unprepared and unfit for a free press, or where the rulers have acted in a manner which, if generally known, must excite against them indignation and resistance. Under the circumstances in which Spain was placed, no danger but much good must have resulted from the people's being acquainted with the strength, operations, and even the successes, of the foe against whom they were carrying on the warfare,—the nature, extent, and application of their own resources,—and above all with the capacity and measures of their rulers.

Two circumstances took place, from which a change in the character of the measures adopted by the junta was looked forward to by many people;—the admission of the marquis of Romana into that body, and the arrival of the marquis of Wellesley as ambassador from the court of Great Britain. But neither of these noble personages was able to instil into the junta even a small portion of their own energy and activity. Indeed, towards the latter part of the year, intrigue and cabal entered in among the members of the junta, and increased, if possible, their indecision and inactivity. So palpable and

notorious at last was their incapacity, that a regency was suggested, and several attempts were made to establish it; but they were all ineffectual. The members of the junta, in possession of power, did not feel disposed to yield it up, and could not easily or readily be divested of it. It may be doubted, too, whether a regency would have been more efficient and beneficial. It was proposed to form it of much fewer members than the supreme junta, and by this means it was hoped that the slowness in deliberation and action, with which the latter was charged, would in a great degree be done away; but the cause did not lie so much in their numbers, as in their disposition and abilities; and if the members of regency had been, as there was too much reason to suspect they would have been, men of the same principles and prejudices, the Spanish nation could not have been benefited by the change.

The marquis of Wellesley, after many ineffectual efforts to induce the junta to put the armies on a better footing in respect to equipment and discipline, and to adopt general measures better calculated to carry the nation through their arduous struggle, left Spain. On one important point only he gained a reluctant and tardy consent from the junta. They agreed to issue a proclamation, fixing on the time for the meeting of the cortes. In this proclamation their language, as it had ever been, was worthy of more wise and enlightened rulers, and formed a striking and melancholy contrast to their deeds. The first of January 1810 was the day fixed for the convocation of the cortes; and the first day of March following, the day on which they were to enter on their functions.

CHAPTER XIV.

Affairs of Austria—Remarks on the Conduct of Bonaparte towards the Powers he conquers—The probable Motives and Objects of this Conduct—Sketch of his Behaviour towards Austria from the Treaty of Presburg—Demands free March for his Troops through the Austrian Territories—Disputes about Cattaro—The Power of Austria in Germany attacked and greatly weakened by Bonaparte—Prevented from further insulting and degrading Austria by the War between France and Prussia—Bonaparte's Conduct to Austria at the Treaty of Tilsit, and the Conferences at Emsfurth—Proposes the Dismemberment of the Turkish Empire—Correspondence betwixt the Austrian and French Ministers respecting the warlike Preparations of Austria—The Revolution of Spain again interrupts Bonaparte's Plans—Fresh Complaints against Austria—That Power compelled to go to War—Remarks on the Policy of her Conduct.

THE conduct of Bonaparte towards the sovereigns whom he has conquered, has often borne the appearance of moderation, and even of generosity. His most usual practice is to commence the war against them with denunciations of their complete and final ruin, yet when the treaties of peace have been under consideration, he has either acceded to, or proposed, mild and favourable conditions. In this conduct it is not difficult to trace the acknowledged and deep policy of the French emperor: by his denunciations of vengeance before hostilities are begun, he hopes to be able to force his enemy to a compliance with his terms; and by holding forth favourable conditions of peace, after the fortune of war has surrounded his adversary with misfortune, and nearly driven him to despondency, he looks forward to the natural effect which such conduct on his part will produce:—his opponent, dreading, from the denunciations of vengeance and ruin which were held out against

him, when he dared to wage war against Bonaparte, that these threats will be fulfilled in all their horror and degradation, eagerly springs forward to the acceptance of conditions less severe and rigid, though probably, before his mind had been weakened by misfortune, he would justly have regarded them as dishonourable and unjust.—It is not improbable, that, in adopting this mode of treating his fallen and conquered adversaries, Bonaparte also has an eye to the effect it will produce on the French people: their ambition is known to consist more in being governed, however despotically, by the greatest monarch, than in enjoying the blessings of peace and liberty:—they feel proud therefore not only of his conquests, but of his apparent moderation and clemency towards his subdued and humble foes: not perhaps, so much, because moderation and clemency are acknowledged by them to be real virtues, independently of their connexion with the more dazzling virtues of military

military talents, but because by being contrasted with these talents they show them off to more advantage, and have been associated in their minds with the idea they form of a great conqueror,—of such a conqueror as the French nation deserves, and should glory in.

But although the terms which are generally signed by Bonaparte, when he accedes peace to the sovereigns whom he has conquered, are certainly, from whatever cause, more moderate and mild than he threatened, and perhaps as much so as any other conqueror in his situation would have granted; yet it does not often happen that they are strictly fulfilled: some of them are never performed at all; the execution of others is delayed so long, that, though essentially favourable, they become by this delay harsh and oppressive;—and others are found, when it is attempted to fulfil them, so much beyond the means of the country, exhausted and impoverished by the war which had given rise to them, —that the moderation of Bonaparte in proposing or granting them is felt to have been but a name.

It may also be remarked, while we are upon this subject,—the treatment experienced by the conquered sovereigns from the French emperor,—that the principle which rules his whole conduct; the general plan which he has pursued, without deviation, or intermission; and particular instances of conformity to that plan, which, unfortunately for Europe, her recent history presents in melancholy abundance,—all demonstrate, that the whole continent lies within the grasp of his ambition, and is viewed by him as at no very distant period to form his vast empire. When, therefore, he stops short of
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the deposition and ruin of his subdued adversaries, to them it is but a respite; they can hardly contemplate their escape from the total extinction, which was denounced against them at the commencement of their wars, with feelings of joy, or of gratitude towards their conqueror: and if they do feel and reflect deeply, the conviction that they are to be torn to pieces piece-meal; that their lives are to be spared, while they witness the anticipation of their fate in the ruin of other sovereigns, formerly as powerful and secure as themselves, must lead them to suspect the reality or disinterestedness of that clemency which spared their existence.

The truth of the observations which we have offered on this important subject is fully illustrated and confirmed by the conduct of Bonaparte towards Austria. In order to supply this illustration, and at the same time as a natural and proper introduction to the history of the war, which this year took place between the French and the emperor Francis, we shall detail this conduct at some length.

Although the treaty which the misfortunes of war compelled the emperor Francis to accept at Presburgh bore, in many of its articles, the essential stamp of imminent and unavertible danger to the Austrian monarchy, yet the emperor, having signed it, considered himself bound to fulfil it with the most conscientious and scrupulous fidelity and minuteness. No reserve or limitation with respect to those articles which imposed the most severe sacrifices on Austria, was either sought for by Francis or offered by Bonaparte. On the other hand, those articles which had for their object the alleviation or the advantage or
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Austria were either left unfulfilled, or they were carried into effect after harsh, arbitrary, and disadvantageous alterations, or at the expense of new sacrifices.

When the Austrian government complained of the perfidy of Bonaparte, in refusing to fulfil the obligations to which he had bound himself by this treaty, the reply was in the usual style of French artifice mingled with sophistry. They enumerated singly, and with great emphasis, every one, even the most trifling of the articles which they had executed; but they passed over those which they had refused to execute. They did not mention that the elector of Saltzburgh and the grand master of the German order were stripped of their territories; that the landgrave of the Brisgau was refused his indemnity; that contributions were levied upon the wretched inhabitants, though the stipulated payment was made,—expressly contrary to the treaty of Presburgh.

The emperor of Austria passed over the affronts which were thus offered him, and the losses which he sustained by the infraction of the treaty of Presburgh, hoping that he would be at least allowed to devote his attention and to direct his plans towards the recruiting his finances and invigorating his people, worn out by the dreadful war from which he had just freed himself; but his expectation was vain. It seemed the inflexible determination of Bonaparte to allow no plans that would restore to Austria even a small portion of her former power and resources:—the slightest and most indirect movement towards those measures which the sovereign of every state, possessed of independence, has not only an undoubted right, but lies under the

most solemn obligation, to perform, was watched with a jealous eye, and challenged as of a hostile tendency in a most peremptory and insulting tone. The emperor wished to be at peace; but Bonaparte was determined that peace should bring few blessings or advantages to his dominions.

Even before any of the articles favourable to Austria in the treaty of Presburgh were carried into execution, demands, by no means warranted either by former usages or by new stipulations, were made upon him. An uninterrupted march for the French troops, notwithstanding occasionally or for a temporary purpose, but as a matter of indisputable right, confirmed by a formal convention, was demanded through the imperial dominions, in order that the communication between Venice and the provinces on the opposite coast of the Adriatic might be rendered easy and expeditious. Although the emperor Francis represented in mild but firm terms, that the republic of Venice had never obtained or required this privilege; and, therefore, that Bonaparte could not claim or expect it as a prescriptive and acknowledged right; that the Austrian provinces, through which the military communication was demanded, were by no means adequate to the support of troops even during their march; and that, if this demand were acceded, unsupported as it was by any fair and reasonable plea, other neighbouring states might claim similar privileges:—these objections obtained from Bonaparte neither reply nor attention. It was haughtily announced to the emperor, that the will of the conqueror had been once declared; no equivocal intimation was conveyed to him, that evils

evils of a much greater magnitude might be inflicted if this were not endured; and even the threat of a renewal of the war, for the purpose of wresting by force the provinces in question, was held out.

By one of the articles in the treaty, the French were to be put in possession of the harbour and territory of Cattaro. They delayed sending a force to receive it from the hand of the Austrians; in the mean time a Russian fleet unexpectedly appeared and seized it. Austria was made to suffer for the negligence of the French. Although the emperor, in order to evince that he was not to blame on this head, and that his intentions towards Bonaparte were as pure and peaceable as when he first signed the treaty of Presburgh, even went beyond the fulfilment of that treaty, and, in order to oblige France, exposed his subjects to the ruin of their commerce, and consequently the monarchy to the dilapidation of its finances, by shutting his ports against the Russian and English flags;—although he dispatched his own troops to recover that territory which had been lost by French delay and remissness,—yet was Bonaparte not satisfied or appeased. The seizure of Cattaro by the Russians presented too favourable a pretext, for fixing on the Austrian monarch a desire to violate the treaty of Presburgh, to be overlooked or neglected. A large extent of territory on the right bank of the Songo, which ought to have been evacuated by the French troops, was formally organized and announced as French property: the prisoners of war were not restored, and the fortress of Brennau was not delivered up. But Bonaparte adopted measures still more dan-

gerous and insulting to the emperor Francis. The great French army prolonged their stay in Germany, contrary to the express stipulations of the treaty; harassed and impoverished the provinces in which they were, and incessantly threatened the Austrian monarchy.

The events that took place in Germany about this time left no doubt respecting the motives which had induced Bonaparte to adopt these unjust and vexatious measures towards the emperor. Notwithstanding the treaty of Presburgh had introduced very important changes in the territories of several of the princes in the south of Germany, yet the ancient constitution of the empire was expressly recognised and confirmed; the title of Emperor of Germany was admitted into the treaty of peace, without the least scruple or objection; and when the royal titles of Bavaria and Wirtemberg were stipulated, it was expressly added, that they were still to be considered as united to the Imperial German confederation.

But the plan which had been long formed for the annihilation of this confederation was advancing to maturity, even when the treaty which recognised and sanctioned it was agreed to. Those German princes who were under French authority or influence, suddenly, without giving the slightest intimation of their intentions to the emperor, broke asunder that bond, which was not only consecrated by the antiquity of its existence, but had hitherto been deemed venerable and obligatory, by the beneficial union which it formed between the sovereign and the subject, and constituted Bonaparte their chief, under the title of Protector. The emperor Francis was

kept in profound ignorance of this measure, till its final and complete accomplishment was formally announced in these haughty words: "Henceforth the emperor Napoleon will know nothing of the existence of an emperor of Germany and a German constitution." This notification was accompanied with the most menacing expressions; as if it neither was agreeable to the disposition, nor required by the interest, of Bonaparte, to obtain any thing by mild and conciliatory measures from the Austrian monarch.

It was impossible not to perceive the purpose and consequence of this proceeding. By adopting it, Bonaparte had taken his first, but a most important and principal step towards the annihilation of the Austrian power and influence, and the substitution of his own, among the German princes. Even in the insulting and overbearing manner in which this transaction was carried on and announced to the emperor, might be traced, not more the violence and tyranny of his disposition, than the politic and determined nature of his enmity to the house of Austria. Whether he succeeded or not, in wresting from it one of its oldest and most powerful privileges, he was equally careless:—if the emperor yielded, the direct purpose of Bonaparte was obtained; if he resisted, the armies of France, still in his immediate neighbourhood, would have overwhelmed his exhausted and impoverished provinces.

The emperor thought it therefore prudent to submit. Had the other powers of the continent been then disposed to oppose the exactions and conquests of the French; or even had the princes who were thus to be transferred from him

to Bonaparte, discovered any signs of resistance and unwillingness; had they called upon him, as the emperor whom they had legally and voluntarily chosen, to have come forward, at their head, for the purpose of preserving the German confederation from utter ruin,—perhaps he would have been put to a severe trial. But he could look for no support, if he engaged in a contest with France; from the other powers of the continent; and the princes of the empire either silently acquiesced in the changes which Bonaparte thought fit to introduce, and thus facilitated them by their suberviency and subjection, or actually stepped forward to support and promote them, with a zeal and alacrity which too plainly spoke their hostility to their legal emperor.

Scarcely had Bonaparte carried through this important measure, than he bent his mind on the further degradation of the house of Austria. Many of the conditions of the treaty of Presburgh were still unfulfilled; but every attempt to procure their execution was answered with reproaches and threats. It seemed as if every fresh instance of submission and acquiescence on the part of Austria was regarded by Bonaparte, not as a proof of her anxiety for peace, but as a basis and step towards still severer demands. The emperor could not doubt that his ruin was determined upon, and that he would be compelled either to submit to the constant renewal of injury and insult, or to have recourse to an unequal contest.

It is probable that he would have been exasperated into the commencement of hostilities, had not the war between France and Prussia necessarily occasioned a

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pause in the demands made upon him by Bonaparte. Many reasons presented themselves to the Austrian government for assisting Prussia in this war:—it offered a chance, though a feeble chance, of successfully opposing and checking the progress of the French arms; while the consequences to Austria, if Prussia should be subdued, were easily anticipated, as of the most fatal and gloomy complexion. Danger and difficulty attended either determination of the Austrian cabinet:—If they joined Prussia, they would be compelled to add additional burdens to their state already nearly exhausted; and, after all their efforts, most probably not be able to bring forward, in sufficient time, a force by any means adequate to turn the fortune of war in favour of their ally:—if they resolved to maintain their neutrality, they would thus have it in their power to husband and improve their resources, but they could hardly expect to avoid the suspicion and the future hostility of Bonaparte. Having determined to remain neutral, he adhered to this determination with so much strictness and scrupulosity, that he received the unwilling commendations of Bonaparte.

The advantages which Bonaparte secured to himself by the treaty of Tilsit, had they been obtained by any other sovereign, would probably have satisfied his ambition, and given peace to Europe. But his desires and his views expand and increase in proportion to the success of his measures. Austria soon experienced that his eye was still fixed upon her, but not on her alone and exclusively. She was to foresee the fate that awaited her in the previous annihilation of other powers. A few

months after the peace of Tilsit, the house of Braganza was driven from the throne of Portugal, because it had not, according to its means, given effect to Bonaparte's hatred of England, by breaking off all commercial connexion with that power. Austria was also called upon, at the same time, to paralyse the industry and trade of her people by adopting the same measure:—the alternative was an immediate war with France. She was under the cruel necessity of breaking off her connexions with a power with whom she had long maintained the most intimate and friendly alliance, though she thus injured her own subjects much more permanently and essentially than the subjects of the power against whom Bonaparte meant this step to operate. So sudden and palpable were the mischiefs arising from this annihilation of all commerce;—so completely did it break the bonds with which it hitherto united in common interest the different European states;—and to such a degree did it lessen the means of defence possessed by the greater states, while it accomplished the ruin of the smaller,—that it was scarcely possible not to detect, in the enforcement of this measure, Bonaparte's hostile designs upon the continent. For Austria, however, notwithstanding what she suffered and what she anticipated, there remained only submission; and that submission, too, not relieved by the hope that it would prevent the demand and the necessity of further degradation. Each new sacrifice the emperor made, added new strength to the acute and poignant reflection, that no limit, which did not include the destruction of the Austrian monarchy, could be fixed to the pre-

tensions and the encroachments of Bonaparte.

Soon afterwards, proposals were made to Austria respecting the dissolution and partition of the Turkish empire. In order to carry this plan into execution, a free passage for the French troops was required, and in return for this favour Austria was promised a share in the spoil. This proposal, apparently, was less hostile and disadvantageous to Austria than any which had come from Bonaparte. But it covered, in reality, designs as inimical to the repose and injurious to the interests of that court; besides justly giving it ground for alarm, by exposing the duplicity of Bonaparte, and the utter variance between his declarations and his measures, where his interest separated them. He had omitted no opportunity of declaring that the preservation and integrity of the Turkish empire was one of the fundamental maxims of his political system. This strong ground for alarm, suspicion and distrust, joined to the palpable and notorious injustice of the proposal, induced the emperor of Austria to reject it. The means, too, by which Bonaparte publicly professed he meant to reach this new object of his ambition, rendered it extremely probable that, having secured them, having once introduced into the heart of the Austrian empire a strong body of French troops, the end for which they were said to have been introduced would be forgotten, and the dissolution and partition of Austria herself, instead of Turkey, would have taken place. The scenes that were at that very period exhibiting by Bonaparte in Spain, into which he had gained admission for his troops,

under the pretext of expelling the house of Braganza from Portugal, strongly tended to increase the suspicion and form the determination of the emperor.

Amidst the violent and unjust changes which Bonaparte was continually effecting, in Spain, Portugal, and the Italian states, he did not even affect to conceal that Austria was not yet to be permitted to remain secure and unpillaged. In a solemn oration to the French senate, he declared, that "it is the will of the emperor Napoleon that the whole coast of the Mediterranean and Adriatic sea be united, either with the French territory or with that of the great empire."

Although the publicity of these intended attacks upon the integrity of the Austrian monarchy rendered it the indisputable right, as well as the imperious duty, of Francis to put his dominions in such a state of defence as might possibly avert them, or at least suspend and soften them, yet he was not permitted to stir one step towards the adoption of plans of self-defence, without exciting the attention and the complaints of Bonaparte.

In consequence of the repeated remonstrances of M. Champagny, the French minister for foreign affairs, to count Metternich, the imperial ambassador at Paris, on the subject of the armaments of Austria, the latter entered into a vindication of his government on this point, in an official note distinguished by the perspicuity and candour of its statements, the strength of its arguments, and the calm and dignified tone in which it is written. He begins by separating the consideration of the rumours of war, which had spread over Germany, from the statement

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and justification of the measures which the Austrian cabinet had thought it necessary to adopt. These measures were loudly called for by the different position and circumstances in which she found herself placed by the events of the last twenty years. The states by which she is surrounded, near the Isongo, the Inn, and Bohemia, have assumed a military character; almost the whole of their population is set apart for the purposes of war. In the constitution of several of the new states in Germany, the principles of a military conscription form the very essence of the social compact.

Austria, however, in adopting the means of conscription for the purpose of recruiting her armies, has not deviated from her ancient usage. She always had recourse to that measure when it was deemed necessary. But the changes that had taken place around her rendered some alteration necessary in the plan of the conscription. Formerly her armies were replenished from the different German state; that source no longer exists. Formerly her armies bore their proper proportion to the armies of the neighbouring states. Now they must rank proportionally inferior to the armies of Bavaria and other states, unless she adopts the measures for recruiting and increasing them, which they have adopted, without being challenged, interrupted, or even suspected, on that account.

The Austrian government might justly have been accused by their subjects of inattention to their safety and interests, if they had not brought their military resources and establishment, as nearly as circumstances would permit, upon a footing with those of the duchy

of Warsaw, Bavaria, and the states of the confederation by which they were completely surrounded. If the measures those powers have adopted are not regarded as hostile, why is Austria suspected of having views inimical to France, when she merely imitates them? Ought not the dreadful necessity in which the last war has placed Austria of maintaining peace, even though its maintenance has cost her, and must still cost her, immense sacrifices, to be a sufficient pledge of the duration of that friendship and interest which bind her to France?

“The reports of renewed warfare, which are said by the French minister to have spread over Germany, neither took their rise nor are they encouraged at Vienna. On the contrary, both the court and the inhabitants of that city are disquieted at their propagation:—nothing which Austria has done, or is doing, affords the smallest ground for them. But they are propagated; and a more natural source may easily be pointed out than the measures which a desire to place herself on a level with her neighbours, and to supply means for self-defence, has induced Austria to adopt. Large bodies of French troops are collected in Silesia and Prussia: to none of them, not even to the common soldiers, does it appear to be any secret that Bohemia is to be invaded by them; while those who are stationed in the duchy of Warsaw assert, that they occupy that position for the purpose of invading Galicia. Is it then any wonder that Germany should resound with rumours and alarms of war, when she perceives Austria closed in with hostile armies ready to cross her frontiers and ravage her territories, if she

hesitate in complying with any of the demands of Bonaparte? To render the commencement of hostilities still more probable, the German gazettes, published under the superintendence of the Rhenish confederation, proclaim the cessions required of Austria by France. In all this, however, Austria cannot possibly be censured: if hostilities are to recommence, it will not be because she courts them, or because she has not done every thing consistent with her safety to avert them. Is it not more just to conclude, that the desire of renewed hostility is confined to France; and that the rumours to that effect are spread by her means over Germany to serve her own purposes?"

Soon after this correspondence, a singular conversation took place between Bonaparte and count Metternich, at St. Cloud, in the presence of the whole diplomatic body. The details of this conference are too long for insertion; but as it is strongly characteristic of Bonaparte, we shall present our readers with a brief sketch of it.

Upon the Austrian ambassador's replying, to an observation of Bonaparte that his government meant to make war upon France, that her preparations were merely for defence,—the French emperor broke forth into a series of warm and pointed interrogations; dwelling with peculiar emphasis on his friendly disposition towards Austria, and the improbability that she would be attacked. After enumerating the instances in which that power had increased her regular peace establishment, by the addition of 1,300 men to each of her regiments, and the enrolment and training of 400,000 militia;—he asked how her finances, which were represented as in a dilapi-

dated state, could possibly bear this additional burden. He expressed his disbelief, in unqualified terms, that Austria would have bid defiance to all those difficulties, unless she had some object, different in its nature, and of much greater importance than she was willing to assign, which she thus meant to secure. He then adverted to the grounds of alarm from the presence of French troops in Silesia, which Austria had stated. He had encamped his troops in foreign countries, because he was anxious to save expense; he did not encamp them in France, because it cost too much. But his camps were not collected or united; they were scattered about. They were not fixed so as if he had any hostile designs against Austria; and if he had known that they had created the least uneasiness in the breast of his ally, he would have removed them. So very pacific was he, and so repugnant to give alarm, or excite suspicion, that he had dismantled the fortresses of Silesia.

It may well be supposed that M. Metternich was placed in a very embarrassing situation. Bonaparte was determined to regard the preparations of Austria as decidedly hostile, and at the same time to maintain that his conduct towards her, in every instance since the peace of Presburgh, had been not only pacific but generous, and that his intentions were still of the same character. The Austrian minister very prudently confined himself to repel the suspicion cast on his master's military preparations. He observed, that there had been no movements among the Austrian troops. To this Bonaparte replied, If your designs were pacific, and your finances were exhausted, as you represent them to be, you would keep

keep your armies in those places where they could be maintained at the least expense. This you do not do. You have removed them to Cracow, where they must be supported at great expense, but where they are well stationed to menace Silesia. If you imagine, by your preparations, to alarm me, you will experience a sad and fatal disappointment. I feel myself strong, I know my intentions to be open and honest; therefore I can have no hesitation in pursuing the straight and onward path in my policy.

He continued in a similar style, intermingling threats against Austria, with professions of belief in her desire for peace founded on the misery she had already suffered, and the generosity she had experienced from him when her capital was in his possession. He then started off to the topic which seems never absent from his mind,—abuse of the English;—to whom he ascribed all the wars in which the continent had been lately engaged, and against whose selfish and insidious politics he urgently pressed the Austrian cabinet to be upon its guard. He again reverted to the preparations of Austria, threatened to levy a body of 200,000 men, and to repair the fortresses of Silesia, and continued his desultory and uninterrupted harangue, with incautiously exposing one, and probably the most powerful cause of his enmity to Austria, and of his ill-concealed determination to force her to still more complete and abject subjection. “Meanwhile all hope of a maritime peace disappears: the efficient means of attaining it are rendered of no avail. The English smile, with satisfaction, at the prospect of discord being revived on

the continent, and to her it is they confide their interests.” That Bonaparte, during this conference, (if conference it may be called, where he was almost the sole speaker,) did not preserve his temper, but gave loose to those sallies of passion which have been more indulged, and consequently have become more imperious and unrestrained, in proportion to his elevation and success, is manifest, from the terms made use of by M. Champagny, in a letter which he wrote to general Andreossi, detailing the address of Bonaparte to the Austrian minister. “His majesty seemed to be moved, as men naturally are, in discussing matters of such importance. He, however, exhibited only that degree of animation which such a motive was calculated to produce.”

From the beginning of August 1808 to the middle of March 1809, the official correspondence between M. Champagny and M. Metternich, on the subject of the armaments of Austria, was discontinued. During this period verbal communications, however, were made, most of which had reference to the same topic. These also were suspended at the time of the conferences held at Erfurth, and for some time afterwards, in consequence of what passed at that place.

Before Bonaparte proceeded to his celebrated meeting with the emperor of Russia, he required from the Austrian cabinet the immediate and unconditional acknowledgement of his brother Joseph, as king of Spain. In return for this acknowledgement, the French monarch promised to remove the troops which had hitherto surrounded Austria, and at last to fulfil the treaty of Presburgh. But this promise was either futile, or to be performed solely for the accom-

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modation of Bonaparte. Some of the troops were merely marched to a position more remote indeed, but not less threatening and dangerous to Austria; while the presence of the rest was found requisite in Spain for the purpose of opposing the formidable resistance which had there unexpectedly and suddenly sprung up. Under these circumstances the emperor Francis hesitated to recognise Joseph Bonaparte as king of Spain. The conference at Erfurth took place; and from what occurred there, he thought himself justified in absolutely refusing to acknowledge the title of Joseph.

When it came to the knowledge of the Austrian monarch, that the emperors of Russia and France were about to hold a conference at Erfurth, he very naturally was desirous of being present also. This however Bonaparte would by no means consent to: he even refused to admit the Austrian ambassador. Such conduct created additional alarm and suspicion in the breast of the Austrian monarch. It confirmed him in his persuasion, that the object of the conference was hostile to the interests of his subjects; and though, at first, he entertained some slight hopes that the emperor Alexander would not give his consent to plans which a regard to his own policy, as well as a sense of honour and justice, ought to have led him instantaneously to reject, yet he was soon compelled to abandon them. When Austria hesitated about acknowledging the title of Joseph Bonaparte, Russia interposed in language very unfriendly and offensive. From that time Austria was constrained to regard that power as completely united in the hostile views of France against her, and to consider the proceedings at Er-

furth as principally directed to her destruction.

Still the emperor Francis was anxious to avert, if possible, the impending storm. For this purpose he wrote a letter to Bonaparte, when he learnt that he was about to proceed to Erfurth. In this letter he again assures him of his pacific disposition, and either explains in a satisfactory manner the military measures that he had adopted, or refers to unequivocal proofs that their nature and extent were greatly misrepresented. In consequence of this letter, Bonaparte sent directions to his vassal princes, the kings of Bavaria, Saxony, Westphalia and Wirtemberg, the grand duke of Berg and the Prince Primate, to break up their camps, and dismiss their troops to their ordinary quarters; desiring them, however, to instruct their ministers at Vienna to hold the language of menace and hostility, if the extraordinary and unusual armaments of Austria should be renewed. At the same time Bonaparte replied to the letter of the emperor Francis. In this letter he desires the emperor to be upon his guard against a faction at Vienna, which affects to be afraid of the hostile designs of France, in order that it may precipitate their own court into violent measures. He upbraids him with the clemency and favour received at his hand, when it was in his power to have dismembered the Austrian monarchy;—that monarchy, the integrity of which he is even now willing to guaranty. His projects against England are dwelt upon, as occupying the principal part of his attention, and the emperor Francis is called upon not to adopt any measures which might cause a diversion in favour of that country. He concludes by again cautioning the

the Austrian monarch against those who would alarm him, and lead him into war, for the purpose of averting imaginary dangers;—by recommending simplicity and truth as the best policy; and by inviting him to confide his disquietude to him, assuring him that he will dissipate it, if it has arisen from any part of his conduct.

The sentiments of justice and honour which this letter contained, were too strained:—the tone of friendship and moderation in which it was written, was too foreign from the known and tried character of Bonaparte, to inspire much confidence or hope. His former conduct, and his refusal to admit the emperor of Austria or his ambassador to the conferences at Erfurth, were in direct opposition to what he professed and promised in his letter. What actually passed at these conferences is not known; but the emperor of Austria learnt enough, to anticipate from them additional exactions, insults, and oppression. So directly opposite to the tone and tenor of his letter, were the sentiments and designs unfolded at Erfurth by Bonaparte against that power;—so violently hostile and so glaringly unjust, that even Alexander thought it right to interfere: and the French monarch boasted, that as a proof at once of his extraordinary forbearance, and of his especial compliance with the friendly mediation of an independent sovereign, “he had hitherto spared Austria.”

From the period of the conferences at Erfurth till Bonaparte crossed the Pyrenees for the purpose of putting himself at the head of his armies in Spain, no fresh accusation appears to have been brought against Austria. She went on completing her military preparations,

but not to a greater extent or upon a different principle from what she had done, while the French armies were still menacing her in Silesia. Still, however, though no fresh accusation was brought against her, and though her military preparations were no longer challenged as hostile to France, the intermeddling spirit of Bonaparte’s tyranny manifested itself in petty reproaches and threats. She had opened the harbour of Trieste to the English; her vessels, loaded with English manufactures or the produce of the English colonies, were protected in their passage from Malta to the Levant by ships of war:—an official messenger from the Spanish patriots was permitted to land at Trieste:—the exposition of Cevallos was circulated and anxiously perused at Vienna;—the defeat of the French army under Dupont was fully detailed and widely spread through the Austrian territories. Such were the grounds of complaint brought by Bonaparte against the Austrian cabinet. He asserted also, that accident had put him in possession of a formal promise made by that cabinet to assist the Spanish junta with 100,000 men; and that Providence itself had interfered to unveil the hostile intentions of the emperor Francis, by permitting the king of England to allude to them in no ambiguous language, in the official declaration he published on the rupture of the negotiations for peace.

From Valladolid Bonaparte sent his mandate to the princes of the confederation of the Rhine, to furnish their contingents, and to hold themselves in readiness for war. Soon afterwards he left Spain and returned to Paris. As, however, the affairs of Spain were by no means so prosperous as he expected, and
evidently

evidently demanded his sole attention and force, Bonaparte endeavoured to avert a rupture with Austria, by means of the interference of the Russian minister, who was then at Paris. But Austria was now convinced that she had gone too far, in exciting the jealous and hostile spirit of Bonaparte, to be justified in looking forward to, or preparing for any thing but war. She was convinced that the proposed mediation of the Russian minister was offered only to serve the purposes of Bonaparte, by allowing time to complete his military preparations, and to attack her territories with more promptitude and effect. Even had not this conviction been deeply rooted in the mind of the emperor Francis, still the proposal made through the Russian minister would have been rejected by him, as totally and palpably unjust towards him, and much better calculated to place him more completely under the power of Bonaparte, than to give him security and protection against that power. The proposal was, that the three empires of Russia, Austria, and France should be united by a triple guarantee, that might secure to Austria the integrity of her territory, by the guarantee of Russia against the enterprises of France, and that of France against the enterprises of Russia: in like manner the guarantee of Austria was to be accepted by the other two powers. Austria must have been blind indeed to have accepted the guarantee of a power, which had so entirely and unreservedly given itself up to the schemes and interests of that state, against which it was to undertake to protect her. The mysterious and suspicious nature of the conferences at Erfurth;—the known and avowed influence

which Bonaparte had obtained over the mind of the emperor Alexander;—the public declaration made by the former, and uncontradicted by the latter, that they were united for peace and for war;—and the insulting and imperious manner in which the Russian monarch called upon Francis to recognise the right of Joseph to the throne of Spain, forbade the acceptance of the proffered mediation and guarantee.

As the measures of Bonaparte for carrying on war against Austria began to be matured and completed, new causes of complaint were discovered and made known. Austria had dared to effect a reconciliation between England and Turkey;—the murder of a French courier in Croatia;—insults offered to some French officers at Trieste; and acts of violence committed against some of the Italian subjects of Bonaparte;—though evidently the acts of individuals, and affording no proof of a hostile disposition in Austria, were brought forward as circumstances corroborating the real purpose for which she had recruited her military system. The Austrian cabinet expressly denied that the outrages complained of were committed either under their sanction, or with their knowledge; and gave immediate orders that the authors of them should be severely punished.

In the month of March 1809, the official correspondence between M. Champagny and M. Metternich was renewed; having been immediately preceded, however, by a long and interesting conversation, of which the former sent a very minute and circumstantial account to Bonaparte. In this conversation M. Metternich frankly and unequivocally avows, that the return of the French

French emperor to Paris before he had put an end to the war in Spain; the peremptory mandate he had sent to the princes of the Rhenish confederation, to draw out and augment their forces; and some articles in the French and German papers, the authority and purport of which were equally clear and unquestionable,—had given just inquietude to his court, and compelled them, for their own protection and safety, to place their armies on the war establishment. He, however, positively disclaimed the most remote disposition to go to war with France, alleging, in proof, that his court was not so disposed; that, if it had wished to go to war, they would have seized a more favourable opportunity, when Bonaparte was in Spain, and when the Austrian troops might have advanced without difficulty or opposition to the banks of the Rhine. In reply to these remarks, M. Champagny, adopting the tone and following the tenor of his master's discourse to M. Metternich, (already mentioned,) enters into a desultory harangue on the clemency, the moderation, and the power of Bonaparte;—and censures the Austrian monarch for having turned aside the great designs which were formed, and about to be carried into execution, against England, and for thus having benefited that power. The old subjects of reproach are then dwelt upon;—the circulation of Cevallos' exposition at Vienna; the conduct of the Austrian internuncio at Constantinople, in negotiating a reconciliation between England and the Porte;—and the insults which had been offered to French travellers and residents in the Austrian dominions. But, above all, he upbraids the Austrian cabinet with having refused to recognise Joseph Bonaparte;—with giving

eager and joyful credit to, and circulating, the news of the French defeats in Spain; and with authorizing or permitting her chargé d'affaires there to leave Madrid and follow the insurgents. In the course of the conversation, and at the close of it, M. Champagny directly tells the Austrian minister, that Bonaparte can no longer give him the credit attached to the title of ambassador, since his own court, by persisting in those military measures which he had pledged his honour should be discontinued, had virtually disavowed him, and stript him of his diplomatic character.

A few days after this conversation M. Champagny sent an official note to M. Metternich, stating that he had informed Bonaparte of the determination of the Austrian cabinet to place its army upon the war establishment. After expressing the pain which this intelligence had occasioned in the mind of his master, he informs M. Metternich, that orders had been given for the troops immediately to proceed from the interior of France to the other side of the Rhine, in order to guard and protect the territories of his friends and allies; and that the troops of the latter would also, without delay, be put upon the war establishment.

In the reply of the Austrian minister there is nothing new or interesting: the usual topics are insisted upon: the pacific disposition of his court is pointed out, as conspicuously directing and animating it, in the readiness with which it had complied with the demands repeatedly made by France, even where those demands were unauthorized by the treaty of Presburgh, and moreover inimical to the interests of her subjects. The changes which she had thought it necessary

necessary to make in her military system and establishment are ascribed to causes purely and essentially internal, or connected with her self-defence; and as by no means justifying the suspicions and distrust to which they appeared to have given rise. On the contrary, Austria had reasonable grounds for alarm, when she perceived herself surrounded by French armies, and afterwards understood that the confederation of the Rhine were ordered to hold themselves in readiness for war. Notwithstanding these circumstances, and that the hostile appearance they wore was rendered more decided and menacing by the march of the French troops to Bavaria, still the Austrian cabinet carefully abstained from ordering any movement in the empire. She merely contented herself with carrying into effect, in a regular and progressive manner, those plans which had been adopted immediately after the peace of Presburgh, and which, therefore, neither in their nature nor their execution could justly be ascribed to hostile views, nor regarded as tending to the interruption of amity between the two courts.

Having thus detailed at considerable length the conduct of France towards Austria, from the period of the treaty of Presburgh to the commencement of hostilities, and the official communications which immediately preceded them, we shall be better qualified to decide respecting the justice and policy of Austria in entering into this new war.

It seems a recognised and established principle in the law of nations, that unusual measures, directly and unequivocally tending to the extension of military strength, should be challenged by the neigh-

bouring states, or by that state against whom they are most likely to be employed, as proceeding from a hostile disposition. If they are not discontinued, or are not accounted for in a manner which shall satisfy the nations who are most interested in them, they are then, by established usage, considered as justifiable grounds for going to war with the state thus assuming a formidable and threatening attitude.

Another general remark may be made before we proceed to the consideration of the particular question now before us. After a nation, impoverished and weakened by a destructive and unfortunate war, has been compelled to accept a peace, which still further impoverishes and weakens her, she has an undoubted right to have recourse to all those means, and to adopt every plan, which will recruit and reinvigorate her. Her opponents, who have been rendered more powerful and military by her defeats and losses, could hardly expect to gain credit for real apprehension, but would more probably be stigmatized as tyrannical and oppressive, and as desirous of rendering void and useless the cessation of hostilities that had been granted, if it protested against the adoption of such measures.

As Austria, therefore, found herself excessively weakened by the war, which was terminated by the peace of Presburgh, and by the conditions which she was compelled to accede to;—and as this weakness was relative not only to the power by whom she had been conquered, but to other states which completely surrounded her, she had an undoubted right to pursue every measure which in her opinion would restore her to part
of

of her former power and consequence. She was even justifiable in keeping her forces continually upon the war establishment, provided the state of her finances admitted it; for France, and the other states which had been raised up by France to menace or oppose her, were continually growing more warlike, not more by the increase of their forces, than by the spirit which the military nature of their governments infused into their subjects, and the skill and experience with which continued hostilities supplied them. France found fault with Austria, because the latter placed her forces on the war establishment; and yet France, under the gross and futile pretence of invading England, not only kept up but increased the number of her troops, after the peace of Presburgh.

Under the common circumstances of a recent peace, it has always been usual, and justifiable, for the nation which has suffered most by the war, to endeavour to repair her losses. But Austria had additional reasons for endeavouring to regain, as speedily as possible, as great a portion of her former power as her reduced territory and means would allow. We have seen, that she could scarcely be said to be actually at peace during the whole period that elapsed from the treaty of Presburgh to the recommencement of hostilities. Without the chance of success that war holds out, she was obliged to submit to have territory ravaged or wrested from her, and her subjects stript of their commerce. We are not now inquiring how far it was prudent for Austria to give even a colourable pretext to the insults and encroachments of Bonaparte. But certainly that state deserved not to continue in-

dependent one moment, who, continually liable to menace and exaction, and not even suffered to reap the few and trivial advantages held out to her by a harsh and ignominious peace, did not eagerly and unhesitatingly resolve to place herself, as soon as possible, in such a condition as should secure her from future outrage, and command the performance of all that the faith of treaties constituted her right.

There is yet another consideration, which justifies Austria in doing every thing in her power to reestablish her finances and her military system. It would have been the extreme of folly to disbelieve that Bonaparte had determined on the utter destruction of the Austrian monarchy. It may be permitted to linger out a few years, occasionally and by degrees narrowed in its territory, and reduced in its consideration and influence. But fall it must, if Bonaparte is permitted to be the lord and scourge of Europe till he has accomplished his plans. Do not the anticipation of this day of final ruin, therefore, and the certainty of intermediate acts of dismemberment and oppression, most satisfactorily justify Austria in clinging even to the feeble hope of retarding or warding them off, which a careful and constant attention to her remaining strength and resources holds out?

If we inquire into the prudence of the emperor Francis in provoking, or not averting by every means in his power, the renewal of war with Bonaparte, we must precede our inquiry by a simple interrogation. What means would have been sufficient to have averted it?—None, assuredly, but such as would have compromised his honour and duty as a monarch, and sacrificed the

the independence of the Austrian nation. What Bonaparte required of him as the proof of his friendly intentions, and the price of peace, would have had, if possible, still worse consequences. Austria has been blamed for not acceding to the demands of Bonaparte in every respect, and thus putting off the day of hostility till she were better prepared for it. But Bonaparte demanded that she should not continue her preparations: he demanded not only that she should continue at peace for the present, but that she should not presume to render herself capable of entering into war against him at any future period. How then could Austria, if she had purchased the continuance of peace by sacrificing her means of war, have ever restored herself to the condition of effectually opposing France? Prudence, therefore, if by prudence be meant the clear foresight and just calculation of consequences, as far as they will affect our interest, and a corresponding line of conduct, appears to have been nearly out of the question;—or, to speak more correctly, prudence, unable to decide, must have given way, and left the decision to the feelings of indignation against the oppressor, and the determination to hazard all in preference to further submission to his will.

In one respect, indeed, events appeared favourable to Austria, and in such a state as probably would not soon occur again. The insurrection in Spain had rendered necessary there the presence of Bonaparte and a large portion of his troops: the distance was great between that country and Austria, and

the nature of the contest in which the French armies were engaged, rendered it likely that it would be not only arduous but of long duration. If the emperor Francis hesitated before, whether he should prefer open hostility to the continuance of a peace productive of few advantages and of no security, and attended with an expense nearly equal to that of war, the situation of affairs in Spain terminated his doubts, and determined him no longer to purchase the temporary and partial forbearance of Bonaparte at the price of the independence of his monarchy.

It may, then, be fairly concluded that the emperor Francis had an undoubted right to restore his state, by every means which the unfortunate change of circumstances in which he was placed would admit, as nearly as possible to its former strength and importance;—to supply it with those military resources, which might command more respect to its independence, and relieve it from continued vexation and dismemberment;—and that, in the embarrassed and difficult situation into which he had been thrown by the insatiable ambition of Bonaparte, justice, a sense of his own dignity, a proper regard to the rights and liberties of his subjects, and even a sound though a melancholy and desperate policy, all conspired to point out the very precarious chance of bettering his fate, which renewed hostilities held out, to the sufferance of those evils of which he was not permitted to prepare or to hope for any termination.

CHAPTER XV.

Affairs of Austria continued—Preparations for War on both Sides—The Archduke Charles appointed Generalissimo—addresses his Army—Proclamation of the Duke of Auerstadt—of the King of Bavaria—The Austrians cross the Inn—Bonaparte joins his Army—forces himself between the different Divisions of the Austrians, and completely defeats them in several Engagements—at Ebensberg—Landshut—and Eckmühl—advances to Vienna—that City taken after a short Resistance—issues a Proclamation to the Hungarians—Movements and Proceedings of the Archduke Charles—attempts in vain to save Vienna—entrenches himself on the North Bank of the Danube—Bonaparte crosses the River and attacks him—Battle of Aspern—Bonaparte repulsed.

TOWARDS the end of March and the beginning of April preparations for war were carried on by both parties with uncommon vigour and activity. The court of Vienna, as if sensible of the causes to which in a great measure its former misfortunes had been owing, adopted in almost every respect a different line of conduct from what it had pursued in its previous wars with France. Having placed its army, in point of numbers, on what was deemed an adequate establishment, it next directed its continued and zealous efforts towards the organization and discipline requisite to give efficiency to its numerical strength. The blind and bigoted policy which had hitherto made advancement or rank depend upon antiquity of birth and illustrious descent, was in a great measure relaxed. Different officers, who had distinguished themselves in former campaigns by superior skill or courage, were advanced to a higher rank, and placed in a more extensive sphere of action, in order that their country might receive the

greatest benefit from their talents and exertions.

The army was divided into nine corps, which were commanded by the archdukes, and by generals Lichtenstein, Rosenberg, Klenau, and Bellegarde. The archduke Charles, freed from the interference of the aulic council, was appointed generalissimo and invested with the highest and most unlimited powers ever granted to an Austrian commander. Large bodies of reserve were established and regularly trained, for the purpose of supplying the losses of war with troops in no small degree instructed in its duties. The students of the universities and the high schools manifested their zeal for their country, by enrolling themselves in separate corps for the defence of the capital.

Early in March the ceremony of consecrating the colours of the Vienna volunteers took place: they amounted to 8000 men, and presented a noble spectacle of military enthusiasm and discipline, which they were anxious to direct to the defence and preservation of their

country's independence. The archduke Charles addressed them in terms at once animating and flattering. He expressed his firm reliance on their courage and support, if their country should ever demand their services: wherever danger, there should he confidently expect to meet them:—at the call of honour and their country he knew he should find them present, active, and zealous; and they might rest assured that at that call they would find him at his post.

The Austrians assembled four armies. One was stationed in Bohemia, threatening by its position and its movements the territories of the king of Saxony; another was collected in the southern provinces of the empire, for the purpose of supporting the Tyrolese, in case they should revolt against the Bavarians, and of watching and keeping in check the French army of Italy; the third was stationed near Saltzburgh, for the purpose either of acting separately, or in conjunction with the fourth grand army, which, under the command of the archduke Charles, threatened the invasion of Bavaria, from its position between the Inn and the Iller.

The force on which Bonaparte principally relied at the commencement of the war, consisted of the troops of Bavaria, Wirtemberg, and the confederation of the Rhine. The Bavarian was formed in three divisions: the duke of Dantzic assumed the temporary command of it and the other allied troops till the arrival of Bonaparte. He established a chain of advanced posts along the banks of the Iser. In the mean time the whole of the north and west of Germany and the interior of France was stripped of troops,

which proceeded by forced and rapid marches towards the Danube. It does not appear that Bonaparte drew any forces out of Spain, except the imperial guard. On the side of Italy, prince Eugene, the viceroy of that country, had concentrated a formidable army. The greater number of the Saxon troops were stationed near Dresden, in order to protect their capital from the Austrian army in Bohemia. They were commanded by the prince of Ponte Corvo.

Before the actual commencement of hostilities, the archduke Charles issued a proclamation of war in the form of an address to the soldiers of Austria. "The protection of your country demands your services, and calls you to new scenes of honour and glory. While peace could be preserved consistently with the independence of Austria, as long as it could be purchased by sacrifices consistent with the security of the throne and the welfare of the people, your sovereign bore his individual insults and sufferings in silence. But now it is no longer his fate that is threatened; you, your fathers, your brothers, your sons, and your nearest and dearest relations are the objects of that relentless and insatiable ambition, which has already spread desolation and misery through such a large portion of Europe, from the palace even to the humblest cottage.

"Every man who feels for human nature, who wishes to rescue her from further wretchedness, fixes his eyes on you. Your country implores you to interpose your powerful arm between her and degradation and slavery. I call not on you to engage in a war foreign to your interests, or indifferent or repugnant to your feelings. In the midst of all you hold dear, in the sight

ght of those who are too weak to protect themselves, you are to stand forth to defend or avenge them. No drop of your blood shall be spilt for any objects but such as you deem worthy of such a sacrifice. You are not called forth to draw your swords in a cause which shall render you the curse of your fellow-creatures. You are destined to a more honourable lot:—the Liberty of Europe, driven from her accustomed habitations, has taken refuge under your banners.

“When the enemy tauntingly and boastfully recall to our remembrance the fields of Ulm and Mägenango, shall we forget the glorious deeds which have rendered our name immortal, at Wurtsburgh, Zurich, Verona, and Novi? By that spirit of patriotism and valour which there conducted the Austrian soldiers to victory, we will now conquer a lasting and honourable peace to our country. And to secure the attainment of this noble and inspiring object, I know you will clothe yourselves with every military virtue that is necessary to acquire it. You possess true fortitude; you are warmed with a true patriotism; you will therefore exhibit the genuine accompaniments of these virtues. Unconditional submission, the strictest discipline, courage cool and steady, active and unremitting in attaining its object, patient and persevering in the midst of difficulty and disaster; singleness of will, and a joint cooperation of the whole, must conduct us to victory, and, through victory, to the gratitude of our preserved country.

“If you are such as I now describe you, and confidently trust you will be, you will be formidable to your enemies; but you must also resolve to complete the character of the

patriotic soldier; of the soldier who takes up arms only in his country's cause; and be mild, compassionate and humane towards the unarmed citizen and peasant. You know the evils of war; I trust you know also how to inflict them:—let them be terrible in your hands towards the enemies of your liberty; to him who injures you not, be as protectors.

“I am invested by our sovereign and my brother with full powers to reward and punish. My heart will beat with the purest pleasure each time I am called upon to distinguish and reward you. I shall suffer more than the criminal himself whom it is necessary for me to punish; but when punishment is requisite, it shall be inflicted. My regard for my country, and for the cause in which she is about to be engaged; my respect for the character of a soldier, and my attachment to you, my dear brother-soldiers, will compel me to inflict exemplary punishment on every action which would hazard the safety of that country, degrade a profession, to which I am proud to belong, or lessen the esteem in which I would always hold my fellow-warriors and fellow-countrymen.”

On the 9th of April the archduke Charles, having established his staff and head-quarters at Lintz, sent formal notice to the French general commanding in Bavaria, that he had received orders from the emperor of Austria to advance with the troops under his command, and to treat as enemies all who should oppose him. In consequence of this notice, the king of Bavaria quitted his capital, and repaired to Augsburg. On the 10th of the same month the Austrians, having thrown a bridge of boats over the

Inn, between Brannau and Scharding, crossed that river, and advanced slowly into Bavaria.

At this period the right wing of the main French army stretched from Amberg in Franconia to Ratisbon; the centre stood near Forcheim, and the left wing extended towards the territory of Bayreuth, having its advanced posts at Hoff. This wing was considerably reinforced by troops from Saxony; and between the centre and the right wing were stationed some contingents furnished by the princes of the confederation of the Rhine. Shortly afterwards a trifling alteration of position took place among some of the French troops, apparently for the purpose of drawing the archduke on to the Lech, that, by a rapid movement from the left to the right bank of the Danube, they might interpose themselves in his rear. Massena and Oudinot, with part of the Bavarian troops, retired to the left bank of the Lech, while the corps under Davoust and Ney on the north of the Danube made a movement from Bayreuth and Bamberg towards Nuremberg. Besides these main armies, the Austrians had a strong force under the archduke Ferdinand at Egra, occupying such a position as rendered a junction between the Saxons and the French in the Upper Palatinate extremely difficult.

On the 12th of April the duke of Auerstadt (Massena) published a proclamation to his army, in which he treated the Austrian proclamation as beneath his notice, from the abuse and scurrility, which, according to him, it contained. After recapitulating the instances in which the emperor of Austria had been indebted for his safety and his throne to the moderation and generosity of his master,

and the ungrateful return he had made in commencing hostilities against an ally of the French, and for the purpose of relieving England from the threatened invasion of her shores,—he assures his troops of the speedy support of the emperor Alexander, and congratulates them on being about to enjoy another opportunity of signalizing their zeal and courage, and proving themselves irresistible.

The king of Bavaria also thought it incumbent on him to issue a proclamation on the commencement of hostilities. In this official paper he reprobates the conduct of the Austrian cabinet, in having ordered its armies to invade his territory without any previous declaration of war, or even explanation of the subject of its complaints or wishes. "Punishment, however, inflicted by the sovereigns of the Rhenish confederacy, under the guidance and with the assistance of their mighty protector, awaits this attack on the rights of nations, and the insidious attempt made by that cabinet to excite a spirit of dissatisfaction, and to break the bonds of social order by the treacherous proclamation which it has circulated through Bavaria." An appeal is then made to his subjects, on the zeal which he has constantly manifested for their welfare, and the happiness they have enjoyed since the treaty of Presburgh established new relations between them and the powers of Europe. "This zeal Austria endeavours to impeach, and to rob of its genuine and most desirable fruit and reward, the attachment of his subjects; this happiness she aims to destroy, under the pretence of giving freedom to Bavaria. But Bavaria has already experienced what Austria means by freedom; she, as well as the rest of Germany, still

ill remembers the tyranny which that power exercised over them, under the assumed title of head of the empire. To restore herself that title, and to the exercise of that tyranny, she has now armed. Believe her not, when she asserts that the interest of Bavaria is dear to her, or has had any share in her present measures. Her views are selfish; and if they succeed, to you they will prove destructive.

"In such a contest justice must triumph: she has the powerful aid of the illustrious protector of our confederacy. If you, soldiers of Bavaria, prove yourselves worthy of his alliance, of having him for your leader, we shall soon return to our capital: the designs of our enemy will be frustrated, her pride will be humbled, and your country will by the issue of the contest be firmly and permanently placed far beyond the influence of her attacks."

About the same time that the king of Bavaria left his capital, the Austrian envoy left the court of the vassal sovereign of Wirtemberg, after exchanging with his ministers an angry correspondence. The ostensible cause and subject of this correspondence was a proclamation issued by the king of Wirtemberg, in which he recalled all his subjects from Austria, and threatened with military execution such as should take up arms for the emperor of Germany.

Information that the Austrians had crossed the Inn having been conveyed to Paris by the telegraph, Bonaparte left that city on the 12th of April, and arrived at Donauwörth on the 17th, from which place he removed his head-quarters to Ingolstadt on the following day. Movements immediately began to

take place among the French armies, while the Austrians endeavoured to out-manceuvre them at Landshut, and surprise them in their march towards Ratisbon.

On the 19th the duke of Auerstadt advanced to the village of Pressing, where he met a division of the Austrian army; and an engagement immediately took place, which ended in the defeat of the latter. On the same day another French corps attacked an Austrian division in front, while the Bavarian troops under the command of the duke of Dantzic fell upon their rear. The French in this action were equally successful. These, however, were partial and insignificant attacks, apparently commenced by the French generals for the purpose of preparing the way for a general engagement, and of trying the steadiness and courage of their German allies. Bonaparte, during the few days he had been with his army, had made himself completely acquainted with its position; with the situation of the country; the advantages it afforded for offensive warfare, and the particular mode of attack which a regard to that situation, and a quick perception of the blunders of his enemy, pointed out.

The archduke Louis and general Keller had very imprudently drawn their divisions to such a distance from the other corps of the Austrian army, that they at once presented a weak point of attack to the French, cut themselves off from all support, and exposed the troops under the archduke Charles to destruction or disorder. Bonaparte immediately perceived this mistake, and resolved to profit by it. While the adjoining corps of the Austrians,

who from their situation were most likely to support the archduke Louis, were kept in check by the duke of Auerstadt, he himself, at the head of the troops of Bavaria and Wirtemberg, assisted by two French divisions, attacked the archduke's corps in front. At the same time the communication of this corps was completely cut off by a manœuvre of the duke of Rivoli, who, passing by Freyberg, proceeded to the rear of the Austrian army.

As the imperial guards were not yet arrived from Spain, Bonaparte assigned the post of honour to the troops of Bavaria and Wirtemberg. He placed himself at their head, and before he commenced the attack he addressed them in a long speech through the prince royal of Bavaria. He reminded the Bavarians of the ancient enmity between their country and Austria:—he recapitulated the wrongs they had suffered from that country, and the haughty and tyrannical behaviour which, in the days of her power and prosperity, she had displayed towards their ancestors. They now had their revenge: they were about to experience the high and proud fate of punishing the insults and injuries offered to their forefathers, and of raising their native land above its ancient and implacable foe. To the soldiers of Wirtemberg he spoke a different language:—Austria had already suffered from their courage:—when they had served in the Prussian army, they had found her not invincible, they had themselves contributed in no mean degree to her defeat. He bade them recollect the last campaign in Silesia; there they had met and conquered the foe, against whom he was now

going to lead them. He assured them all that they possessed his confidence; and he did not doubt they would this day prove they deserved it, by driving the Austrians before them, and carrying the war into their territory.

Amidst the enthusiasm and eagerness to distinguish themselves which this speech inspired, Bonaparte gave the signal for battle. A brigade of light infantry, two batteries of horse artillery, and nearly the whole of the cavalry commenced the attack: the Austrians, having taken up their position on very broken and intersected ground, were quickly dislodged: the infantry, chiefly composed of the troops of Wirtemberg and Bavaria, formed in column, completed the defeat of the Austrians: compelled on all sides to fall back, they retreated with great rapidity, and in no small confusion. In this battle the French took eight standards, 12 pieces of cannon, and 18,000 prisoners.

The flank of the Austrian army, having been completely laid open by the battle of Ebensberg, Bonaparte, pursuing his victory, pushed immediately forward to Landshut. The Austrian cavalry, having formed before the city, were attacked and driven back by the duke of Istria; the same fate attended the Austrian infantry, who endeavoured to defend the bridge: the French grenadiers advanced on the charge: the Austrians having set fire to the bridge, which was of wood, retreated into the town, whither they were pursued by the enemy: the town was taken, and along with it 30 pieces of cannon, 9000 prisoners, and the hospitals and magazines which the Austrians had established there.

In the mean time the main Austrian army, under the immediate command of the archduke Charles, having made a rapid descent upon the Danube, in conjunction with the Bohemian army under general Kollowarth, entered Ratisbon, and took prisoners 1000 French, who had been left to guard the bridge at that place. Immediately afterwards he crossed to the right bank of the Danube, and occupied the very position in which his brother the archduke Lewis had been beaten on the 20th. This movement disconcerted Bonaparte: it compelled him to leave the banks of the Iser; and to measure back his steps towards the Danube, leaving the dukes of Auerstadt and Dantzic to hold in check the remains of the Austrian army which he had just defeated. Sensible of the necessity of the most rapid movement, in order to put an immediate stop to the progress of the archduke Charles, Bonaparte marched with such celerity, that at two o'clock on the 22d of April he arrived opposite Eckmühl, where the four corps of the Austrian army amounting to 110,000 men were posted. Never before had these two chiefs been opposed to each other; neither of them had ever experienced a defeat. In each had their respective armies the utmost confidence: perhaps the remembrance of all that Bonaparte had achieved inspired more confidence into the army he commanded than was felt by the Austrian army in their general: but the Austrians did not barely confide in their commander; they remembered not merely the victories he had gained, but the virtues he had displayed; the attention and kindness he had shown to them amidst their defeats and disasters; the alacrity and pleasure with which

he had praised and rewarded their courage and good conduct. They regarded him as their father; while the soldiers of Bonaparte looked up to him only as their victorious general.

Bonaparte's military eye immediately perceived that the left wing of the Austrian army was disadvantageously posted. This wing he ordered the duke of Montebello to attack: they succeeded in turning it, while the front of the Austrians was opposed by the main body of the French. The contest was long and obstinate; it was not entirely terminated till night. Then the army of the archduke, turned on their left and driven from all their positions, were compelled to retreat. A large body of them endeavouring to make a stand, under the cover of some woods near Ratisbon, were driven into the plain, and suffered dreadfully from the French cavalry. An attempt was made to cover the retreat of the main body by the cavalry; but this was equally unsuccessful: the covering corps were attacked on both wings, and after maintaining their ground for a considerable length of time, were obliged to seek their safety in flight. The archduke Charles was nearly taken prisoner, but escaped through the fleetness of his horse.

When the extreme darkness of the night had rendered it impossible for the French to continue the pursuit, the broken and scattered divisions of the Austrian army collected in Ratisbon. Here they endeavoured to make a stand: for this purpose the archduke ordered the cavalry to cover the city. After three successive charges they gave way; 8000 of the Austrians were cut to pieces; the remainder of those who were posted without the

city fled across the Danube. The city itself was still defended, but not long; for, by an oversight of the Austrian general, the French were permitted to enter it through a breach in the fortifications. Six Austrian regiments who were in it were either cut to pieces or taken prisoners; and the remainder not having had time, from the mode in which the enemy had entered the city, to break down the bridge, were closely pursued to the left bank of the Danube.

In these battles Bonaparte followed up his usual plan of breaking his enemy's forces into pieces, and then beating them separately; and, what argues inferiority of generalship, the positions taken up by the Austrians were such as enabled him to pursue this plan with the most signal advantage. At the battle of Ebensberg he beat separately the two divisions of the archduke Louis and general Keller;—at the battle of Landshut, he broke through the centre of their communications, and took their magazines and artillery; and in the last battle of Eckmühl, he defeated the remaining divisions of the Austrian army, except that of general Bellegarde, which did not join the archduke till the day after this battle.—In the battles of Eckmühl and Ratisbon the French took upwards of 20,000 prisoners, and the greater part of the Austrian artillery; so that in the short space of five days the Austrians had lost nearly 40,000 men and 100 pieces of cannon.

As Bonaparte was obliged to leave the Iser for the purpose of attacking the archduke Charles on the Danube, his brother, the archduke Louis, was suffered to pursue his retreat unmolested along the Inn and the Salza. But as soon as Charles had been defeated

and compelled to retreat into that part of the Upper Palatinate which borders on Bohemia, Bonaparte, with the centre of his army, took that line of march which should at once enable him to pursue the archduke Louis, and to reach Vienna. The rear guard of this unfortunate army was overtaken, near Ebensberg, by a division of the French under the command of the dukes of Istria and Rivoli: between 3000 and 4000 were taken prisoners in the town; the main body, consisting of 30,000, having taken up a strong and very favourable position, were attacked by the French. In order to save themselves and to secure their retreat, they set fire to the town; the houses, being built principally of wood, burnt rapidly:—the fire spread on every side:—no part of the French were able to act, except three battalions under general Claparede; and these were cut off from the rest by the burning of the bridge. The Austrians, taking advantage of this circumstance, attacked these battalions, committed great slaughter among them, and would probably have annihilated them, or taken them prisoners, had not a passage been opened for another division of the French, who rescued their comrades from their perilous situation. After this skirmish, Bonaparte, following the course of the Danube, advanced rapidly towards Vienna; having ordered the prince of Ponte Corvo with his army, who were principally Saxons, to follow the retreat of the archduke Charles as far as the town of Egra, in Bohemia.—The corps of the archduke Louis, after they reached Saint Polten, divided; two-thirds of them crossed the Danube, the other third took the direction to Vienna.

In the expectation that he should reach the capital of Austria before Bonaparte, the archduke Charles had ordered general Hiller to send part of his corps along the right bank of the Danube, and with a larger division to go himself and occupy, if circumstances would admit it, the small islands in the river, for the purpose of keeping up the communication between the bridges and the capital. On the 10th of May Bonaparte appeared before Vienna. This city, formerly a fortress of great strength, besieged in vain by the Turks, could even now have withstood for a considerable length of time a formidable attack. Its ramparts are solid and entire; its works judiciously planned and executed; and its mines extensive and skilfully placed: but for upwards of a century all these means of defence have been neglected; the ramparts are covered with palaces; workshops have been built in the casemates; the counterscarps are concealed and rendered useless by plantations, and the glacis is intersected by avenues of trees. Suburbs, perhaps the largest, and certainly the most beautiful of any that adorn an European capital, surround the city, and contain by far the greatest part of the inhabitants. In the city (properly so called) there are not more than 80,000 people; in the suburbs, which are composed of eight divisions, the number of inhabitants is computed to be 220,000.

Bonaparte immediately rendered himself master of the suburbs; but the city itself made an unexpected and obstinate though not a long resistance. It was defended by about 3000 or 4000 regular troops, as many armed citizens, and a few battalions of *Lindwehr*, or country

militia. Ordnance of different calibre was placed on the ramparts; and the numerous islands in the Danube, and low-lying bushy ground behind the town, were occupied by part of the corps of general Hiller, while the principal body of his forces was posted on the left shore of the river.

The archduke Maximilian had the chief command in the city. By his presence and exertions he animated and encouraged the citizens to defend it, as long as the imperfect nature of the fortifications and their unskilfulness in the art of war would permit them. For twenty-four hours the French howitzers played upon the town: their fire, though very destructive, did not shake the determination of the citizens. When, however, the French had succeeded in crossing the smaller branches of the Danube, by means of the numerous craft which are constantly on that river, and dislodged the troops from the islands nearest the city, and threatened to cut off all communication with the left bank, it was thought prudent to surrender the city. Before this took place, however, the regular troops effected their retreat in perfect safety by means of the great bridge of Tabak, to which they soon afterwards set fire.

After the capture of Vienna, the different French corps were distributed in the following manner: The imperial guards, which arrived from Spain soon after the battle of Eckmühl, and the divisions under the command of the dukes of Rivoli and Montebello and general Oudinot, were stationed at Vienna: the corps commanded by the duke of Auerstadt was spread out between that city and St. Polten: the troops of Saxony and Wirtemberg under the command of the prince

of Ponte Corvo were stationed at Lintz, while a corps de reserve occupied Passau. The emperor of Austria, after the misfortunes which befel the army of the archduke Charles, and the consequent rapid advance of the French towards Vienna, left his capital, and took up his abode at Znaim in Moravia.

Soon after Bonaparte obtained possession of the capital of the Austrian monarchy, he issued a proclamation addressed to the Hungarian nation, from Schönbrunn, a favourite palace of the emperor Francis, where the head-quarters of the French army were established. In this proclamation, containing a strange mixture of impiety, boasting, and flattery towards the Hungarians, he expressly attributes to the interference of the Deity his victories over the emperor Francis, and holds out those victories as punishments inflicted by Heaven for his perfidy and ingratitude, in again taking up arms against the man to whom he had been thrice indebted for his crown. But it is not against the Hungarians he has taken up arms: as the enemy and the punisher of the emperor of Austria, he is the friend and will be the benefactor and protector of that brave and generous nation. The time is arrived when they may recover their independence. Under the sanction and power of the French emperor they may preserve their territory inviolate, and either regain their ancient constitution pure and entire, or modify it according to their judgement and wishes. "He who has conquered your enemy requires nothing at your hands: he offers you freedom; he is anxious, from his regard to your character, from his remembrance of the deeds of valour which your ancestors performed, of the freedom which they

enjoyed,—to rescue you entirely and for ever from the Austrian yoke, from that power which constantly regarded and treated you as a conquered province. Nature, in giving you a different language and different manners and feelings, intended that you should be a separate and independent nation. This you may now become: you may again raise yourselves among the nations of Europe, and no longer feel the glow of indignation and shame, when you compare your subserviency to the house of Austria with the situation and character of your ancestors. Your descent from such men as Hungary in the days of her glory produced,—the expectations and wishes of all Europe, require that you should be governed by a king of your own choice, whose sole object shall be your welfare; who shall dwell in the midst of you, and who shall be surrounded and protected by your citizens and soldiers. I, who have opened the way for your return to freedom, who have broken the link of bondage that united you to the house of Austria, require no other return, but that you should become an independent nation, and elect a king from among yourselves. Consider what blessings await you: eternal peace, not to be disturbed by wars in which you have no voice or concern; unshackled industry; commerce subject to no jealousy or rivalry; and that blessing which your ancestors would have prized above all things, national independence, are now within your grasp. Filled with the spirit of those ancestors, assemble, as they were wont to do, on the plains of Racos, choose your sovereign; let me know the result, and my power shall uphold your choice against all opposition."

Had

Had such an address as this proceeded from a man who, though victorious, had constantly been known to use his victories only as the means of blessing and liberating the nations who had groaned under the sovereigns whom he had conquered, it might have produced some effect. But the Hungarian nation, though there can be little doubt that they still cherished a fond remembrance of the independent state in which their ancestors lived, felt themselves by no means disposed to put their faith in the promises of the French emperor, or to break off their allegiance to Austria, under the delusive hope of regaining their freedom. They knew that a wish to weaken Austria by depriving her of the assistance of her Hungarian subjects, and not a regard to their welfare or liberty, was the actual motive of Bonaparte in addressing this proclamation to them; and they had the strongest reason to suspect, from the habitual conduct he had pursued towards conquered states, that when he had once severed them from their allegiance, and thus completed the ruin of Austria, their subjugation and slavery would inevitably ensue.

As Bonaparte found that the immense number of prisoners whom he had already taken were likely to become troublesome and burdensome, he did not hesitate to break through the established and sanctioned usage with respect to them. He issued an order that on their arrival in France they should be placed under the authority and at the disposal of the prefect of each department. Such agriculturists and manufacturers as were at a loss for workmen were to apply to the prefect, or the mayor of the commune, who were ordered to allot

them as many as they could employ. By this means the drain which the war and conscriptions had occasioned in France was in a great measure filled up; the agriculture and commerce of the country were assisted and encouraged; and the prisoners, instead of becoming a burden on the state, contributed not only to their own support, but to the support of the community. So far as regards treatment and the mode of living, the Austrian prisoners were probably benefited by this regulation; but as tending to introduce a species of slavery, and to put Europe, so far as respects prisoners of war, upon a level with the states of Barbary, and to bring it back to what it was in its most savage and uncivilized ages, this regulation cannot be too strongly reprobated.

It is now time to advert to the movements and proceedings of the archduke Charles, of whom we have hitherto only cursorily noticed that, after the battle of Eckmühl, he crossed the Danube, and retreated in the direction of Bohemia. Bonaparte boasted in one of his bulletins, that the archduke after this battle had no other refuge but the mountains of that country; and assigned as his reason for not pursuing the remains of his army, that the advantage which their complete annihilation would have produced, would not have been sufficient to have counterbalanced the hardships to which his own army, during a rapid march through a miserable, mountainous, and desolate country, would necessarily have been exposed. But the archduke's army was not so weakened as Bonaparte imagined or represented, nor had he retreated so far as the French bulletins asserted.

The archduke, in order if possible to preserve Vienna, directed his

his march, after the unfortunate battle of Eckmühl, by the route of Klentsch and Newmarkt in Bohemia, under the expectation of being able to join the left wing of his army, under the command of general Hiller, at Lintz. The French army, however, by the rapidity of its movements, arrived at Lintz before him. The archduke upon learning this proceeded forwards towards Zwettel, while general Hiller, having crossed the Danube near Stain, after the engagement at Ebersberg, (which has been already noticed,) waited his approach and junction. The French main army, in the mean time having proceeded in a straight line along the valley of the Danube, had got so much the start of the archduke, that there was no chance of overtaking them before they reached the capital. Entertaining some slight hopes that he still might preserve Vienna, provided it should be able to hold out for a few days, the Austrian general used his utmost endeavours to reach and gain possession of the bridges across the Danube near the city, firmly resolved to fight for its safety under its very walls. While he was marching for this purpose and with this hope, general Hiller, by his orders, having set fire to the bridge at Krems, proceeded by forced marches to join the archduke in the vicinity of the capital. But the capture of this city was too important an object with Bonaparte not to be aimed at with all his powers: when the archduke had advanced near Meissau, and consequently before he could form a junction with general Hiller, he learned that Vienna had surrendered. Having by this capture lost a point of support for the operations of his army, and the only object which could

justify him in exposing it, during the passage of the Danube, to the certainty of a serious loss, the Austrian general moved down on the north bank, for the purpose of watching the movements of the enemy, and checking any attempt he might make to cross the river. He fixed his headquarters, on the 16th of May, at Ebersdorf; the chain of his out-posts extending on the right as far as Krems, while Presburgh, lower down the river, was occupied by some battalions; and on the left as far as the March:—the advanced guards were pushed forwards near the Danube, and the cavalry was posted along the banks of a small rivulet, on ground covered, and partly concealed, by bushes.

Bonaparte resolved to cross the Danube and attack the archduke Charles in his position: for this purpose he marched his army along the south bank of the river till it had reached the distance of about six miles from Vienna. At this place he determined to effect his passage: the situation was extremely favourable. The breadth and rapidity of the stream of the Danube are here broken by two islands: from the south bank to the smaller island on that side, the distance is about 1000 toises: the island itself is 140 toises in circumference: from this smaller island to the larger called In-der-Lobau, or the isle of Lobau, the distance is 120 toises: in this part the river runs with the greatest force and rapidity: from the isle of Lobau to the north bank of the Danube the distance is about 70 toises. As soon as the French engineers had thrown two bridges across, from the south side to the smaller island, and from the smaller to the larger island, Bonaparte fixed his head-

head-quarters in the latter, and prepared to throw a bridge from it to the north bank. This bridge, consisting of 15 pontoons, was thrown over the branch of the river in less than three hours.

As the archduke Charles had formed the resolution not to interrupt the passage of the French troops, but to attack them on the following day, he retreated as they advanced, and permitted them to extend themselves along the north bank of the river. Bonaparte, meeting with no interruption, fixed on the field of battle, posting the right wing of his army on the village of Esling, and the left on the village of Aspern. The archduke having retired so far as to allow of the unchecked and complete passage of the French, halted when he came to a favourable position. On the 21st, at break of day, he ordered his army under arms: it was formed in two lines on the rising ground behind Gerasdorf, and between the small rivulet where his cavalry had been formerly posted, and the Bisam-hill. The right wing stretched towards Stammersdorf, and was commanded by general Hiller: it was joined and supported on the left by the corps of count Bellegarde; and in the line of the village of Wagram the division of prince Hohenzollern took up its position: the corps of prince Rosenberg, formed in columns, was stationed along the rivulet already mentioned and in the village of Wagram. A corps de reserve occupied the heights above this village, for the purpose of securing and strengthening the left wing. The vacant space which by this arrangement was left between the left wing under prince Hohenzollern, and the right of prince Rosenberg, was filled by the whole cavalry, drawn up in two

lines, under the command of prince John of Lichtenstein. Between the Austrian army and the Danube was an extensive plain, which, from the level and unobstructed nature of its surface, appeared destined to become the theatre of a general engagement.

As soon as the archduke Charles was informed that the French had gained possession of the villages of Esling and Aspern, were rapidly accumulating in the town of Enzersdorf, and were advancing towards Heischstetten, he formed his plan of attack. He had most formidable obstacles to overcome, arising partly from the nature of the ground and partly from the positions occupied by the enemy. The angles formed by the windings of the Danube were highly favourable to the complete development of the enemy, and enabled them both to cross the river with safety, and to arrange themselves in a strong situation. Their passage was covered and protected by the villages of Esling and Aspern, composed chiefly of brick houses, and surrounded by heaps of earth which answered the purpose of bastions: a double line of trenches formed for the purpose of drawing off the water served as a curtain, and sheltered the troops as they crossed from the isle of Lobau to the north bank of the Danube. Both the villages communicated with the low and bushy ground immediately adjoining the river, and thus afforded the French an opportunity of dispatching unseen fresh reinforcements from the island. The island itself served as a place of arms, while on the side of it nearest the north bank of the Danube, it was fortified in such a manner as to answer all the purposes of a tête de pont. A strong tête de pont was
also

also erected at the north end of the bridge from this island, which necessarily protected and strengthened the rear of the French army. Their front was covered by the deep ditches immediately before Aspern, which carried the superabundant waters from the fields to the river; while their right was protected by a battery, and their left by the bushy ground which has been already mentioned. The Danube at this time had risen to an unusual height: this circumstance, in an important respect, was advantageous to the French. A ditch, extremely broad and deep, which carried off the waters of the river when it overflowed, lay on their left: this it was necessary to pass before an attack on that part of the enemy could be commenced; but on account of the freshes in the river it was impossible to cross this ditch, unless by means of the bridge; and the passage of the bridge was defended by a strong division and several pieces of cannon.

The archduke Charles having duly considered the position of the French army, the advantages they derived from it, and the difficulties which he had to surmount, ordered the attack to be made in five columns. As the recapture of Aspern was essentially necessary, in order to enable the Austrian artillery to play with effect upon the centre of the enemy's line, the first and second columns were ordered to attack this village. The conflict here was most obstinate and murderous: every street, every house, and every barn was the scene of it: scarcely had the Austrians succeeded in gaining possession of part of the village, when the French poured in strong reinforcements and

regained it: at last, the second column, combining its movements and attacks with those of the first, made itself master of the upper part of the village, and maintained its position during the whole of the first day's combat.

In the mean time, the enemy having formed his left wing, which he refused, towards Aspern, and his right upon Esling, advanced in columns, supported by a heavy cannonade, upon the main army of the Austrians. He succeeded in driving back part of the cavalry, which were drawn up in front, and fell upon the infantry. The latter, reserving their fire till the French were within ten paces of them, then opened upon them with so much effect, as completely to rout them. In consequence of their retreat, the whole line of the Austrian army, entirely disengaged from the enemy, obtained possession of the remainder of the village of Aspern.

The third column endeavoured to take advantage of the rout of the enemy by advancing against them in close battalion supported by their artillery; but the French cavalry rushing forward in great numbers rendered it necessary to withdraw the artillery, and to leave the first line of this column to defend itself by its own valour. The enemy's cavalry succeeded in turning both the wings; but at the very moment when they had summoned the battalions to throw down their arms and surrender, a destructive and tremendous fire well directed and incessantly kept up, compelled them to retire.

The object of the fourth and fifth columns of the Austrian army was to drive the French out of the village of Esling, which was of equal im-

importance to the right of the enemy, that Aspern was to his left: the latter secured their centre from the attack of the Austrian artillery: the former protected it on the opposite flank, and at the same time would enable them, if they found it necessary, to retreat in safety. It is not to be wondered at, therefore, if the French here fought with still greater obstinacy and courage than they displayed in the defence of Aspern. The Austrians, indeed, succeeded in driving back the corps which were posted in front of the village; but they could not during the first day's engagement obtain possession of the village itself.—The Austrian cavalry under prince John of Lichtenstein was of great service, in covering the movements of the fourth column, and enabling it to form a junction with the fifth in the attack upon Esling: they afterwards received and repulsed an attack made by the French cavalry upon the right wing of the Austrian main army. After this repulse, the enemy's cavalry to the number of 3000 endeavoured to penetrate between the left wing and the corps of reserve; but by the intrepid and steady attack made on their flank by two Austrian regiments, they were again compelled to retreat.

The battle of the 21st was terminated only by the night: the French had been driven from Aspern: they still retained possession of Esling: but the general position of their army was nearer the Danube than it was at the commencement of the engagement. The archduke Charles passed the night on the ground which he had gained from the enemy: he expected the renewal of the combat on the following day, and he made every

preparation and arrangement to carry it on in such a manner as should render complete the repulse and defeat of the enemy. The known character of Bonaparte left no doubt, that on the morrow all his military talents would be on the stretch to retrieve the glory he had lost, and to compensate for the disappointment he had sustained. He had still large bodies of troops on the south side of the Danube; but the archduke had rendered their passage tedious, difficult, and dangerous. During the battle of the 21st, he had ordered fire-ships to be sent down the river, and they had been so well managed and directed, as to have burnt down the two bridges that connected the isle of Lobau with the small island, and the small island with the south bank. By this destruction of the bridges, Bonaparte was rendered less able to repair the disasters and losses he had sustained; and in case the battle of the succeeding day should prove decidedly adverse to him, his retreat, it was expected, would be completely cut off. In this point of view, the breaking down of the bridges might justly be considered as highly advantageous to the archduke: but, on the other hand, it led him to expect a most obstinate defence from an army placed in a situation of such extreme peril.

The morning of the 22d witnessed Aspern again in possession of the French: an Austrian regiment endeavoured to drive them out, but without effect; another rushed in, and, having gained possession of the church-yard, succeeded in maintaining themselves in the entrance to the village; being reinforced here by the troops under
general

general Hiller, the Austrians at length obtained a final and unmo-
lested possession of this long and
dreadfully contested place.

The archduke Charles was now
enabled to act on the offensive: the
corps of count Bellegarde, having
its right wing resting on Aspern,
and its centre and left towards
Esling, by degrees gained the right
flank of the enemy; while the ar-
tillery, stationed near the former
village in such a manner as to com-
mand the whole space between it
and the latter, was brought to bear
on his left flank:—thus attacked
and exposed, the French army was
compelled to give way, and retire
towards the Danube.

While the division of count Bel-
legarde was thus employed, the
French cavalry, by a desperate
effort, endeavoured to break in be-
tween the Austrian cavalry com-
manded by prince Lichtenstein and
the left wing of the prince of Ho-
henzollern. Here the archduke
particularly distinguished himself:
the battalion of Zach seeming dis-
posed to give way, he seized its
colours, placed himself at its head,
and inspired it and the whole army
with the same enthusiasm with
which he himself was animated.
In the midst of this attack by the
French cavalry, the prince of Ho-
henzollern perceived on his left
wing, near Esling, an opening in
the French line, formed during the
heat of the engagement: he imme-
diately took advantage of this cir-
cumstance, by ordering thither a
regiment in three divisions, which

succeeded in gaining and main-
taining their position in the open-
ing, till, having been supported by
the grenadiers of reserve, they were
enabled to turn and attack the cen-
tre of the enemy.

The only post now which the
French were able to maintain was
the village of Esling: here they
were repeatedly attacked by the
fourth and fifth columns under the
prince of Rosenberg, but without
success. This village, essentially
necessary for covering the retreat
of the French already begun, was
defended with most sanguinary ob-
stinacy, and by reinforcements con-
tinually thrown into it.

In the night between the 22d and
23d the enemy had effected his re-
treat from the south bank of the
Danube, and taken up a position
in the isle of Lobau. In this dread-
ful battle the Austrians took three
pieces of cannon, and about 8000
prisoners. The loss of the French
in killed, wounded, and prisoners,
it is impossible to ascertain; it
probably amounted to nearly
30,000. Five of their generals
were killed on the field of battle,
eight were wounded, one of whom,
the duke of Montebello, afterwards
died; two were taken prisoners.
The loss of the Austrians was also
very great: they acknowledged the
death of 87 superior officers, and
of upwards of 4000 subalterns and
privates. Twelve of their generals,
663 officers, and 15,651 subalterns
and privates were wounded;—of
these, one general, eight officers,
and 829 men were taken prisoners.

CHAPTER XVI.

Affairs of Austria concluded—Comparative Credibility of the Austrian and French Accounts of the Battle of Aspern—State of the War in Saxony, Poland, and the North of Germany—Proceedings and Death of Schill—Operations and Escape of the Duke of Brunswick—War in Italy—Battles between the Viceroy and the Archduke John—Retreat of the latter—Battle of Raab—Capture of that City—Preparations of Bonaparte for crossing the Danube—The Archduke Charles out-generalled—Battle of Wagram—The Austrians defeated—Retreat into Moravia—Armistice at Znaim—Protracted Negotiations—Peace between Austria and France—Terms of it—War in the Tyrol—Bravery and Success of its Inhabitants—Death of Hoffer.

IN detailing the operations and events of the battle of Aspern, and in estimating the nature and extent of the loss and repulse which Bonaparte experienced on that occasion, we have followed, as our guide and authority, the official documents that were published by the Austrian government. It is proper and fair, however, to observe, that the accounts given in the French bulletins differ from the former in many subordinate and minute circumstances, and in some points of more considerable moment and importance. It will not, therefore, be acting impartially, if we do not briefly state the matter, and at the same time subjoin the grounds and reasons which induced us to prefer the Austrian to the French account of this celebrated battle.

The most material points of difference between the two accounts relate to the manner in which the bridge was broken down; the time when this event took place, and the state of the

battle at the close of the first day. The French bulletins expressly and positively assert, that the bridge was broken down accidentally. Some trees which had been felled and lay on the banks of the Danube, having been floated off the land by the rise of the river, destroyed it, according to their representation. There are many presumptions against this statement: in the first place, it is highly probable that the archduke Charles would use his utmost and most unremitting efforts to destroy the bridge, as he would thus cut off the supplies of Bonaparte:—in the second place it may be remarked, that if the felled trees had been floated into the river, the troops of Bonaparte, many of whom, by his own account, were still on that side of the Danube from which they were swept away, would have prevented their effecting the mischief they actually did;—but lastly, in a bulletin published by the French some time subsequent to the battle of Aspern, it is triumph-

antiv stated, in reference to the works they were constructing over the Danube, that they were so formed as to be unassailable by fireships.

With respect to the time when the destruction of the bridge took place, the French bulletins assert that this event did not happen till the morning of the second day of the battle, just at the time when their armies, by a most masterly manœuvre, had placed the Austrians in a situation of the most imminent and extensive danger. This statement, however, bears very much the mark of falsehood; it looks like the exercise of French ingenuity, in order to account for and cover French disgrace: just at the moment when the French were exhibiting their most masterly and splendid manœuvre, untimely fortune interposed, and snatched from them the fruits of their superior enterprise and skill!—On this point it is barely necessary to add, that if what we have advanced relative to the preferable credibility of the Austrian documents respecting the mode in which the bridge was destroyed be true, there can be little doubt that they are equally worthy of preferable credit in the account they give of the time when the destruction was effected; since the archduke Charles was much more likely to take advantage of the night to effect his purpose, than to wait for daylight.

That the loss sustained by both armies in this most obstinate and bloody battle was very great, there can be little doubt; that the loss of the French was infinitely greater than they acknowledged, and than the Austrians suffered, may be gathered even from their own bulletins. These state, that for nearly a whole day, the French army, while re-

treating, and consequently while in a disadvantageous condition, and exposed, at least, to some degree of disorder and confusion, had to sustain the constant and well directed fire of upwards of 200 pieces of cannon. If we also reflect on the nature of the ground where the battle was fought; on the points to which the French were compelled to direct their retreat; and on the apprehension which they must have experienced, lest the remaining bridge should also be destroyed, we shall be compelled to believe that their loss was most dreadful. These circumstances, however, at the same time, will lead us to estimate very highly the powers of Bonaparte as a general, exhibited in a new situation, and under circumstances to him unprecedented; and the discipline and steadiness of the French army. In some accounts, Bonaparte is represented as acting the part of a madman and a savage;—as forcing his soldiers up to battle after all was decidedly over;—and as foaming with rage and disappointment. That he actually brought off the whole of his army and artillery, in the face of a victorious enemy, when his retreat was necessarily directed to a single point;—across a narrow bridge, and into a small island, cut off from that shore where his resources lay, and in which, consequently, his troops must necessarily be cooped up for some time, exposed to the fire of the Austrians, and liable to infectious sickness;—all these circumstances prove, not only that Bonaparte has extraordinary talents both as a conquering and as a defeated commander, but that no fit of passion, rage or disappointment materially deprived him of the use and ap-
plication

lication of these talents on this important occasion.

In the short demi-official accounts that were published by the Austrians immediately after the battle of Aspern, it was unequivocally and triumphantly held out that the ruin of Bonaparte was completed;—that the small and dispirited remnant of his army, shut up in the island of Inderlobau, must necessarily and soon fall a prey to disease, or prisoners to their enemies. The subsequent more ample accounts, given by the Austrian government when they had leisure, opportunity and inclination to view things more coolly and impartially, promised no such decisive results. Indeed there were several circumstances which indicated not only the talent and skill with which the retreat of the French had been conducted, but also the severe loss which the Austrians had sustained. Their enemy retreated before them, exposed to the fire of their whole immense artillery; unable from the nature of the ground, the direction of his retreat, and the point which he was anxious to gain, to spread his troops out, or to protect them extensively and advantageously, while they were retreating:—yet the Austrians were not able to profit by these circumstances, so as to throw the French into confusion, to take a very great number of prisoners, or any of their artillery, except a few pieces, or even to gain possession of many of their wounded. Had Bonaparte been less skilful, the French army less steady and collected, or the Austrians less weakened, there can be little doubt that the *levée-aux-vent* would have been carried by the victorious army;—the bridge would have been crossed in close

pursuit, and the ruin of Bonaparte would have been completed in the island of Inderlobau.—The weakness of the Austrian army, and the resources of Bonaparte after this dreadful and mortifying defeat, were still further made manifest by the inactivity of the archduke Charles subsequent to the battle of Aspern. His opponents for some days were shut up in the island of Inderlobau, —without the possibility of any retreat to the south bank of the Danube, except by the slow, precarious and dangerous means of boats;—suffering extremely from being so closely packed in a low and swampy situation, and from the number of their wounded;—nearly destitute of ammunition;—without the presence of Bonaparte to encourage and direct them, in case they were attacked;—and almost within reach of the Austrian artillery:—and yet the archduke Charles found himself unable to profit by his victory, or by these advantageous circumstances, and made no attempt to disturb the French army.

While the hostile armies are resting from their labours, busied in repairing their mutual losses, and in preparing for future combats, it may not be improper to call the attention and interest of the reader to the movements and operations of the subordinate armies in other parts of Germany, and in Italy and Poland. Although the events of the campaign in these parts were comparatively trifling and inconsequential, and necessarily dependent upon the operations of the main armies under Bonaparte and the archduke Charles, yet they still demand and deserve some share of our attention and notice. The events that took place in Saxony and Poland may be summed

up and dismissed in a very few words;—while the operations of the army of Italy; the cause, the nature, the extent and the termination of the insurrections that broke out in the north of Germany and in the Tyrol, require more minute and grave attention. The insurrection among the Tyrolese more especially for several reasons calls for our minute and full consideration and report. The character of the inhabitants, their enthusiastic and determined attachment to the house of Austria; the heroic resistance which they for a long time offered to their new masters the Bavarians, aided as they were by the French; the hardships and sufferings which they underwent most cheerfully in support of their liberties; the cruelties which were perpetrated on them by their enemies; and the bold and noble character of the patriots who sprung up among them to animate and direct their resistance, give their insurrection a very superior claim to the notice of the historian, and to the approbation and interest of the friend of liberty and independence.—As, however, they continued to struggle and oppose the French long after the Austrian government had been compelled to make peace, and to yield them up, we shall defer the account of the Tyrolese insurrection to the close of the chapter, and immediately proceed to notice the events that occurred in Poland, Saxony, Italy, and the north of Germany.

On the 15th of April the archduke Ferdinand, who commanded the Austrian army in Poland, crossed the Perica and entered the duchy of Warsaw. Prince Poniatowski, being much inferior in strength, retreated before him,

and Warsaw was consequently occupied by the Austrians. They continued in possession of the city and duchy, till the disasters experienced by their main army under the archduke Charles rendered it expedient and necessary, that, foregoing all subordinate objects, they should march to join their countrymen on the Danube. By the beginning of June, the grand duchy was abandoned by the Austrians, while the Russians and Polish army in the service of France occupied nearly the whole of Galicia. The proclamation which was issued by prince Gallitzin, when he first entered Galicia, did not bespeak any very extraordinary desire on the part of his master Alexander to unite his arms with those of Bonaparte, against his former ally the emperor of Austria.

The king of Saxony having been compelled, like the rest of Bonaparte's vassal princes, to take up arms against Austria, soon found himself stripped, for a short time, of great part of his dominions, and compelled to abandon his capital. The Austrians possessing a powerful army in that quarter, more powerful indeed than appeared necessary or advisable when it is considered that the main prize was to be contended for on the banks of the Danube, not only obtained possession of Dresden and Leipsic; but even threatened the territories which had been lately bestowed upon Jerome Bonaparte by his brother Napoleon. The war in this part of Germany was attended with very various success, and continued for a longer time than that which was carried on in Poland; but it does not present, either in its general character or in any of its individual features, any claim to particular or detailed narration.

At

At one period, indeed, it was reasonably expected that the Austrian army in Saxony would have effected much more than the expulsion of the king of Saxony from his capital: a most formidable insurrection sprung up in Saxony, Westphalia, and Hanover, which, if it had been cherished and directed by the support and skill either of the British or the Austrians, would, especially after Bonaparte had been repulsed on the Danube, without doubt have rendered his situation dangerous and critical in the extreme. Unfortunately, however, no such aid was given to the insurgents; so that, after having harassed the French, and prevented the march of troops to the Danube, they were at last crushed by superior numbers and discipline. At the head of these insurgents appeared two men, well calculated by their character, their talents, and their influence, to collect, to bind together, and to animate them, —Schill and the duke of Brunswick Oels. The former had been an officer in the service of the king of Prussia: filled with a strong and influencing detestation of Bonaparte, he found no difficulty in rousing the inhabitants of a country which had suffered from his oppression and tyranny, and the subjects of a beloved king, who had been reduced almost to poverty by his means. It does not appear that the corps which Schill commanded was at any time very numerous; but it was still formidable to the French, by the rapidity of its movements; by its sudden and unexpected appearance; and by the countenance which its presence gave to the discontented inhabitants. After traversing the whole of the north of Germany in different directions, and perplexing

or defeating the troops that were opposed to him, Schill was at length compelled, from the want of co-operation, and the pressure of superior numbers, to take refuge in Stralsund, with the hope probably of being able to effect his escape by sea.

Before he had recourse to this measure he had made himself master of the whole of Mecklenburgh, where he had levied very heavy contributions, and raised a great number of recruits. Against him a strong body of Dutch troops, with a column of 1500 Danish, were sent. They came up with him at Stralsund. In this place, although deprived of its fortifications, Schill had, with incredible industry, perseverance, and skill, made very formidable preparations to defend himself, and to resist the attack of his enemies. After a most obstinate resistance, however, the town was forced; Schill's troops were driven from all their guns; and the enemy gained possession of streets filled with dead bodies of these insurgents, who merited a better fate. Schill and 20 of his officers were killed. Such of his officers as were taken prisoners were tried and executed, as being deserters from the service of the king of Prussia.

The duke of Brunswick Oels, though in his own person less unfortunate than Schill, did not effect, by his army, any thing more decisively or permanently beneficial to the cause of the continent. He did indeed, for some time, distract the attention of the French, and occupy some of those troops which most probably, but for him, would have reinforced the army under Bonaparte; but he was at length compelled to seek for safety in flight; and fortunately having

brought his little corps to the shores of the German ocean, he and they were received on board some English ships of war, and conveyed to this country. From the effects produced by Schill and the duke of Brunswick, with little or no assistance from the Austrians, and under many disadvantages, some idea may be entertained of what they would have effected, provided proper, efficient, and speedy aid had been given them. There can be no doubt of the fact, that a very great proportion of the inhabitants in the north of Germany were ripe for insurrection, even before the fortune of Bonaparte appeared to be deserting him, and that they would have declared themselves openly, if they had received due encouragement and assistance. The resistance which the armies of Bonaparte still experience in Spain, and which they so long experienced in the Tyrol, abundantly proves of how much importance it is to rouse the people against him, and give a faint and distant glimpse of the only mode by which, in all probability, his schemes of conquest will ultimately be checked, and his power curtailed.

The operations and movements of the hostile armies in Italy are more important than those of the armies in Poland, or the north of Germany. This arises from two circumstances:—in the first place, the armies themselves were more numerous;—and in the second place, the scene of their operations being much nearer the Danube, the main object of the war depended more closely and deeply upon them. At the beginning of the campaign in Italy the Austrians were eminently successful: they soon made themselves masters of

Padua and Vicenza; crossed the Adige, and threatened Venice itself. But the victories of Bonaparte in Bavaria rendered it advisable for the archduke John, who commanded the Austrian army in Italy, to stop his career, and to measure his steps back. To this determination he was also probably in some degree led by the reinforcement of 10,000 men, which the viceroy of Italy, prince Eugene, received from Tuscany. With this additional force the French army retook Padua and Vicenza, and crossed the Brenta. In the beginning of May the viceroy perceived the Austrians posted beyond the Piave: the French immediately crossed the river, and attacked them. Although it was not the object or the interest of the latter to act on the offensive, or to delay their march towards Germany, they opposed a formidable front to the enemy. Being, however, inferior in numbers, they were at length compelled to give way; and the French boast of having taken in this action 16 pieces of cannon and 4000 prisoners. A few days after this engagement the French crossed the Tagliamento in pursuit of the Austrians, and after a few partial skirmishes the two armies again met at Tarvis. The position of the Austrians was strong: a double line of redoubts raised in a narrow and deep valley, through which a small river flowed, were furnished with 25 pieces of cannon, and occupied by five regiments of the line and several regiments of Croats. This position was at first attacked by the French without artillery; and, according to their statement, carried merely by the bayonet. Whatever truth there may be in this statement, the Austrians were undoubtedly driven from their position;

sition; though, either by the doubtful nature of the victory, or the rapidity of their retreat, the French neither gained so many advantages as they did in the former battle, nor were they able to destroy or disperse the Austrian army. It now, indeed, became as important for the French army of Italy to hasten their junction with the main army under Bonaparte, as it had before been for the Austrians to join the archduke Charles. On the 26th of May this junction was effected; but little more than nominally: the two extremes of the armies met; but the main bodies were still at such a distance, that the army of Italy could have been of little assistance to Bonaparte, if he had been attacked by the archduke Charles on the Danube.

That the junction of the two French armies was at this time only nominal, is proved by another circumstance. The archduke John directed his retreat into Hungary, for the purpose of crossing the Danube at a part not occupied by the enemy. The viceroy of Italy followed closely the Austrians, even at the time when his army was said to have joined the army of Germany. On the anniversary of the battle of Marengo the two armies, for a third time, came to an engagement near Raab. This battle, though by no means to be compared with the battle of Marengo, either in its nature or consequences, was much more obstinately fought, and attended with much more decisive results, than either of the two former engagements between the viceroy and the archduke Ferdinand. Victory was for a long time doubtful; and had all the Austrian troops displayed equal valour and discipline, the French would undoubtedly have been repulsed; but

that part of the archduke's army which consisted of the raw and inexperienced troops of the Hungarian insurrection, gave way before the attack of the French soldiers and the dreadful fire of the French artillery. Three thousand prisoners, six pieces of cannon, and four standards, were the immediate result of this victory. The archduke John retreated with considerable rapidity, and in some disorder, on the road to Pest. The city of Raab was thus left exposed; but it might still have resisted all the efforts of the French, had it been garrisoned by a sufficient number of troops. Weak as it was in this respect, the siege of it detained the French army eight days; when it capitulated. The archduke John, in the meantime, pursued his route through Hungary, for the purpose of forming a junction with his brother Charles; and after the taking of Raab, the viceroy of Italy united his troops with those of Bonaparte.

From the day on which the battle of Aspern was fought till the end of the first week in July, Bonaparte continued stationary on the south bank of the Danube; but though stationary he was by no means inactive. That he was alarmed, both for his own situation and for the effects which his repulse might produce on the continent, and even in France, was abundantly evident from the number of bulletins which he issued. Scarcely a day passed on which one did not appear, though the sole object and purport of it was to register the height, and the rise and fall of the Danube;—to enumerate and deplore the disasters his works had suffered from that river; to abuse the Austrians, and exaggerate their losses;—or to congratulate his army on the ap-

proach of the Russians, and the junction of the troops under the viceroy of Italy. But amidst all this seeming trifling and gasconade, Bonaparte was making the most formidable preparations, not merely to protect himself against an attack from the archduke Charles, but also to enable him to resume offensive operations in such a manner as might secure success. Nothing, however, was done rashly or hastily; on the contrary, he was so slow and deliberate and cautious in his operations, that many people began to imagine that fear had at last seized him. It was indeed hardly to be expected that Bonaparte, so accustomed as he was to victory,—so impetuous in his temper,—so impatient of restraint and resistance,—should have acted with so much cool and cautious prudence and circumspection as he did.

It has been well and justly remarked, that the French revolution has created, or brought into sight and action, talents and acquirements, which, but for this event, in all probability would have remained latent and useless. Indeed, the ruling and paramount cause of the astonishing success of the French arms may be told in very few words: they were led on and directed by activity, skill and talent, against the imbecility, the prejudices and the indecision of the old governments: while the latter followed on in their old routine, and intrusted the interests and the very existence of the state to men who were recommended solely by the nobility of their birth, or the influence of intrigue and favouritism; and who, secure that by these means alone they would obtain the most powerful and lucrative situations, had never pre-

pared themselves by forethought or study for these situations;—in France there was no possible path to command but that of capacity: every situation being open to the talent and skill best calculated for it, was immediately filled by the fittest persons, and conducted in the most scientific and successful manner.

Perhaps never were these observations better illustrated than in the wonderful nature of the bridges which Bonaparte ordered to be constructed over the Danube. This arduous and important undertaking was intrusted to general count Bertrand. In the short space of 14 days he raised a bridge of six arches, so broad that three carriages could pass abreast, over 400 fathoms of a very rapid river. A second bridge eight feet broad was constructed for infantry. Besides these two bridges founded on piles, a bridge of boats was constructed. In order to protect them against fire-ships, stoccadoes raised on piles were placed 250 fathoms from them higher up the river. Each of the bridges was covered and protected by a *tête-du-pont*, 160 fathoms long, formed of redoubts, and surrounded by palisades, frises, and ditches filled with water. Magazines of provisions, 100 pieces of cannon and 20 mortars were stationed in the island of Inderlobau. On the left bank of the Danube, near Essling, another bridge was formed, guarded in like manner by a *tête-du-pont*. At this time the Austrian army was strongly entrenched on the north bank of the Danube;—the left wing stretching towards Enzendorf, and the right resting on the village of Great Aspern.—The main body of the French army was collected in the island of Inderlobau,

terlobau, only at the distance of about 300 or 400 toises from its opponents.

While Bonaparte had been thus engaged in fortifying his position, and in preparing such stupendous means of crossing the Danube, the archduke Charles had not only raised works and planted cannon to secure himself against an attack, but he had drawn from Germany, Poland and Hungary, immense reinforcements. It is not easy to estimate exactly the number of the troops in either army. At a fair estimation, each may be reckoned at nearly 150,000 men; but no small proportion of the Austrian army consisted of raw troops drawn from the militia, or new-raised levies. In Bonaparte's army, too, were many soldiers newly raised and unaccustomed to war; but the French have learnt the method of making inexperienced soldiers fight with steadiness, discipline and bravery nearly equal to their veterans, so that they never are the cause of the loss of an engagement; while the Austrians and other opponents of the French have often been beaten solely by means of the bad behaviour of their new levies.

As the principal means of passing the Danube, and the principal works of the French, had been formed directly opposite to the Austrian redoubts at Essling, the particular attention of the archduke Charles was directed to this point. But the plan of Bonaparte was not to attempt the hazardous experiment of crossing the river in the face of the strongest and best prepared part of the enemy's army. He made, indeed, a feint of crossing opposite Essling; and as soon as he perceived the attention and the force of the Austrians principally drawn to that part, he

began his measures for crossing the river on the left flank of the Austrian army, where it was in a great measure unprotected, and where if he succeeded in gaining a footing, they would be obliged to leave their entrenchments and fight him to great disadvantage. But as all his bridges had been constructed opposite to Essling, it was necessary to throw over new ones, before he could cross at a different part of the river. During the night of the 4th of July these new bridges were completed. One bridge of a single piece, 80 toises long, was fixed in less than five minutes; three others of boats and rafts were also thrown over the river. At two o'clock in the morning of the 5th the whole French army had crossed the Danube, and at daybreak they were arranged in order of battle, at the extremity of the left flank of the Austrians. The archduke Charles was thus most completely out-generalled: his works were rendered useless; he was compelled to abandon his positions, and to fight the French on the spot chosen by themselves and most convenient for them. Besides the error of not foreseeing the scheme of Bonaparte, the Austrian general was guilty of a still greater, in leaving his left flank quite exposed and unprotected. In the official accounts published by the Austrian government, it is stated that the archduke John was to have covered the left flank with his army, but that he did not arrive from Hungary in sufficient time. But surely no part of the line ought to have been left for a moment uncovered, especially in the face of such an enemy as Bonaparte, and in the uncertain expectation of the arrival of an army from a distant part of the country.

The

The whole of the 5th of July was spent in manœuvring; during the night of that day Bonaparte attempted to gain possession of the village of Wagram, but the attempt failed. On the morrow a general engagement was inevitable. The arrangements for this event were directly opposite on the part of Bonaparte and of the archduke Charles. The former strengthened his centre, where he was in person, and which was stationed within cannon shot of Wagram. The Austrian general, on the other hand, extended his flanks and weakened his centre. At daybreak on the 6th the battle began. The archduke Charles soon after its commencement weakened his centre still further, and extended and strengthened his wings in such a manner as if he meant to outflank the French army. Bonaparte, surprised at this manœuvre, at first suspected some stratagem, and was afraid of taking advantage of the seeming blunder of the Austrian general. At length, when he perceived that the French left was outflanked nearly 3000 toises, and that the whole space between Gros-Aspern and Wagram, at the former of which the left of the French, and at the latter the left of the Austrians, were stationed, was occupied by artillery; he was convinced that the archduke Charles had committed a great mistake, and determined to profit by it. For this purpose, he commanded a powerful and general attack to be made on the centre of the Austrian army:—it gave way, and retreated nearly a league:—the right wing, thus separated and left unsupported, fell rapidly back. At this moment it was briskly attacked in front by the duke of Rivoli; while the duke of

Auerstadt attacked and outflanked the left wing, thrown into consternation and confusion by the retreat of the centre. The village of Wagram now fell into the hands of the French; and the Austrians, routed in all quarters, retreated towards Moravia. In this battle the French took 10 pieces of cannon and 20,000 prisoners, among whom were nearly 400 officers. The French acknowledged that they had 1500 killed and nearly 4000 wounded.

The French lost no time in pursuing the Austrians, and came up with them at Znaim. Here another battle took place, which, however, was soon terminated by a proposal from the emperor Francis to conclude an armistice. On the 12th of July this armistice was signed, the terms of which too plainly proved the extent of the loss the Austrians had sustained, and how completely destitute of hope and resources they were left. All the strong places and positions, which might be advantageous to the French in case the war was renewed, were delivered up; and by the 4th article it was expressly stipulated, that they were to abandon the brave and loyal inhabitants of the Tyrol and Vorarlberg.

From causes which have never been clearly and fully explained, the negotiations for a definitive treaty of peace between France and Austria proceeded very slowly, and did not accomplish their object till the middle of the month of October. It is probable that the harsh and severe terms which were insisted upon by Bonaparte, and the expectation entertained by Austria, that the large British force which had landed on the coast of Zealand, and threatened the ships and arsenals at Antwerp, would

act as a diversion, had some influence in protracting the negotiations. When the terms of peace were made known, many people were disposed to regard them as by no means so unfavourable to Austria as had been generally anticipated. Bonaparte had threatened the emperor Francis with the loss of his power and title, and had called upon the Hungarians to throw off their dependence, and form themselves into a separate and independent state. Yet he acted up to none of these threatenings in the terms on which he consented to make peace. But the conclusion which many were anxious to draw from these circumstances was by no means well founded. They did not prove that the resources of Austria were much less exhausted than had been apprehended, or that Bonaparte still regarded her as formidable; nor will it be found, when the sacrifices Austria was compelled to make are duly weighed, that she came out of the war in a condition again to oppose the power of Bonaparte. It is by no means improbable, that an event which has subsequently, happened may at once account for the protracted negotiations, and for the apparently favourable terms on which Bonaparte granted peace to the emperor Francis. This monarch must have hesitated and struggled long, before he could bring himself to consent to the union of his daughter with Bonaparte; and to obtain this consent, the latter would undoubtedly offer and grant a much more favourable peace than he would otherwise have consented to.

The cessions which Austria made may be considered under three heads:—first, those to the sovereigns forming the Rhenish league

generally;—secondly, those to Bonaparte;—and thirdly, those to the king of Saxony. To the king of Bavaria, as one of the sovereigns of the Rhenish league, Austria ceded Salzburg, and a portion of territory extending along the banks of the Danube from Passau to the vicinity of Linz.—To France she gave up Fiume and Trieste, and the whole of the country to the south of the Save, till that river enters Bosnia. The king of Saxony obtained a few villages in Bohemia; and in Poland, the whole of Western Gallicia, from the frontiers of Silesia to the Bog, together with the city of Cracow, and a district round it in Eastern Gallicia.—Russia obtained so much of the territory of this latter province, as should contain four hundred thousand souls.—With respect to external politics, the emperor Francis agreed to acknowledge Joseph Bonaparte king of Spain. But the most mortifying and humiliating condition is that by which the Austrian monarch gives up the inhabitants of the Tyrol, with a provision, indeed, that Bonaparte shall procure for them a complete and full pardon.

In every part of Germany peace was now established, except in the Tyrol: the inhabitants of this country, though deserted and given up by that government in whose favour they had risen in arms, and to whom they had manifested an attachment unbroken by the most dreadful sacrifices and sufferings, still refused submission to the Bavarians or French. More than a century has witnessed their fidelity to the house of Austria, and the determined and successful resistance they have repeatedly made to the invaders of their territory. The nature of the country which they inhabit,

inhabit, as well as the necessary occupation of their lives, renders them a vigorous and hardy race: the whole male population is from the age of eight years regularly trained to the use of the gun, by hunting, and firing at targets. Hence they are proverbially noted as sharp shooters, and very superior marksmen.

In the year 1794, when the French revolutionary armies first approached their mountains, the emperor of Austria summoned them to defend themselves. Organizing a levy *en masse*, they hastened to the defence of their frontiers, and repelled the invasion of the enemy. At three other periods, in 1798, 1799 and 1800, their bravery prevented their country from being subdued, or even from becoming the seat of war. In 1801 they themselves were equally successful; but the emperor of Austria, surrounded on all sides with misfortunes, was compelled, after the fatal battle of Hohenlinden, to surrender the Tyrol and Voralberg as pledges. For three months these countries were insulted, pillaged and oppressed by the French. In 1805, when the war again broke out between France and Austria, marshal Ney and the Bavarian generals in vain attempted to penetrate the Tyrol; and had the fate of this country rested solely upon the valour of its inhabitants, they would not have shared the calamities of the Austrian monarchy. The battle of Austerlitz and the consequent peace of Presburgh transferred the territory of the Tyrolese from Austria to Bavaria: but their feelings and attachments still belonged to their ancient sovereigns; nor was the conduct of Bavaria towards them calculated to reconcile them to the change. Taxes and oppressions in

every form, varied only so as to make them more severely felt, irritated and impoverished the Tyrolese. For three years they suffered, till, at last, the prospect of a new war between Austria and France held out to them an opportunity of throwing off the hateful yoke, and perhaps of benefiting the cause of their legitimate sovereign.

They immediately rose in a mass and marched to meet their enemies: the latter were 27,000 strong; but they were unable to resist the brave Tyrolese, who gained a complete victory. Bonaparte, irritated at this intelligence, sent a still larger force against them, all of whom they defeated except the corps under Lefebvre. As this corps was too powerful for them, the Tyrolese took advantage of the natural strength of their country, and, by occupying the passes and tops of the mountains, impeded the progress of the French, and destroyed great numbers of them. At length Lefebvre, unable to retain the country, and continually exposed to have his troops cut off by an enemy whom he could not reach, was compelled to retreat, and seek his safety in an ignominious flight. The people of the Tyrol, having thus freed their country from the presence of the French, and rendered it a safe asylum for such of the Austrian prisoners as found means to escape, determined to seek the enemy beyond their frontiers. Munich, the capital of Bavaria, was threatened by them. In Suabia they took Kempten, and pushed on beyond Ulm. In Italy they reached within a few miles of Verona; and Carinthia and Salzburg were for a time subdued by them. Had the other troops of Austria been animated with a similar

similar courage, and led on with equal skill, Bonaparte would have been more successfully opposed.

But the emperor Francis was again compelled to make peace, and, as one of the articles of that peace, not only to give up the Tyrolese, but even to send one of her generals to assist the French and Bavarians in persuading or compelling them to submit. The cruelties of the French, and the exactions of the Bavarians, however, had made too deep an impression on the Tyrolese for them to yield themselves up to the yoke without resistance. And their resistance was most formidable: some of the most experienced generals of Bonaparte, at the head of some of his best troops, were repeatedly defeated and driven back with great loss, even after they had penetrated into the centre of the Tyrol. At the head of the mountaineers appeared a man worthy of being a leader among a nation of heroes:—the

brave Hoffer. This man animated and directed the actions of his countrymen; and before him, unaccustomed as he was to war, the most experienced troops of Europe fled. In vain did Bonaparte for a long time pour in fresh forces, block up the passes of the Tyrol, and forbid all communication between the inhabitants and the neighbouring countries. All his schemes were foiled; and if for a short time the Tyrolese fled before his armies, or appeared not to oppose their progress, it was only to attack them to more advantage in the passes of the mountains, or when they were unprepared. On the conquest of the country Bonaparte was determined: and at length he effected it (if conquest that can be called, where every inhabitant possesses an unsubdued spirit) by pouring in continued reinforcements, and by the capture and infamous execution of the gallant Hoffer.

CHAPTER XVII.

Affairs of the other States of Europe—Sufferings of Sweden by the War—from the Loss of Pomerania—of Finland—Distress and Dissatisfaction of her Inhabitants—The King deposed—Diet summoned—The Duke of Sudermania appointed King—The new Constitution—Peace with Russia, Denmark, and France—State of Denmark—of Russia and Turkey—of Holland—Speech of Bonaparte to the Legislative Body—Exposition of the State of the French Empire with respect to its Victories—Commerce—and public Works—Proceedings relative to the Divorce of Bonaparte—Consequences likely to result from it—State of Westphalia—of Prussia.

NO part of Europe, with the exception of the British Isles, lay more completely beyond the reach of Bonaparte's power than the kingdom of Sweden; while at the same time his enmity and hatred were directed against the Swedish monarch almost in an equal degree as they were against the government and inhabitants of Britain. After France had stript Sweden of her German dominions, the only mode by which she could further weaken and reduce her was by inciting the Russian emperor to attack her on the side of Finland. In the last volume of our Register we gave an account of the war which was carried on between the two powers on the eastern shores of the Gulf of Bothnia: the contest was long and arduous; and though Russia by the immense superiority of her forces, and from the circumstance of the scene of war lying so much nearer her own territories, at last succeeded in wresting the whole of Finland from Sweden, yet she found herself unable to double the head of the Gulf of

Bothnia; and direct her march against Sweden Proper.

The war would probably have been renewed with similar obstinacy as soon as the spring of the year 1809 would have permitted the respective armies to march and act, had not a revolution in Sweden for a time suspended hostilities, and ultimately brought about a peace. In order to trace the origin and cause of this revolution (which, in an age that had not witnessed the extraordinary changes and overthrow of empires, which France has accomplished, would have been deemed and narrated as an historical object of prime importance,) it may be proper briefly to sketch the conduct and state of Sweden from the commencement of her hostilities with France. The result of the first coalition into which Sweden entered against France, was the loss of her trade; of the second coalition, the loss of Pomerania, a province to which she was obliged in a great measure to look for the supply of her inhabitants with corn. When the conferences were held at Tilsit,

ilsit, Sweden was invited to join them; but Gustavus, who possessed a mind endowed with more pertinacity than became the monarch of an impoverished nation, and who looked more to what he conceived to be his own honour and consistency, than to the happiness of his people, absolutely refused to become a party in the conferences. To the loss of Pomerania succeeded the loss of Finland,—a province which the more favoured states of Europe would have regarded as of little moment or utility, but to which the cold and barren regions of Sweden were considerably indebted for the necessaries of life. In point of population and intrinsic value, Finland might justly be considered as forming one third part of the Swedish empire.

Still the Swedish people perceived their monarch determined to prosecute the war with Russia; a war by which so much territory had been already lost;—which had nearly destroyed the whole trade of the kingdom;—and to support which they were compelled to bear the most oppressive taxes, while their means of paying them were proportionally reduced. If they looked forward, they anticipated only an increase of misfortunes and evils, without the most distant prospect of any advantage, or even alleviation. That Russia had leagued herself to France, contrary to all rules of justice and maxims of policy;—that the government of France was built on oppression and cruelty, and aimed at the conquest or desolation of all Europe, were to them insufficient reasons, why they, a comparatively feeble people, and fortunately placed out of the reach of her power, should sacrifice every thing to endeavour

to save Europe, and punish or repress the ambition of France.

In the midst of the poverty and want occasioned by the loss of Pomerania and Finland, a dreadful infectious disorder broke out in Sweden, which, from the inability of the poorer order of the inhabitants to procure the necessary medical advice and assistance, or even the proper food and attendance, made great ravages amongst them. Nor were causes of discontent confined to the people: the army, finding that their sovereign was resolved again to lead them to a war, in which defeat, loss, and extreme hardships were certain, and which they thought might be avoided if he looked more to the good of his subjects, and dismissed from his mind the quixotic idea of opposing France, manifested unequivocal signs of discontent. A considerable part of the western army determined to march to Stockholm. The other armies evinced a similar determination. As soon as these things were known to the king, he resolved to proceed to the south of Sweden, and endeavour to collect troops, for the purpose of opposing the revolted armies. The nobility in Stockholm presented strong remonstrances against this plan: but the king continuing obstinately fixed to his purpose, they judged it necessary to make him a prisoner. In this situation of affairs, the duke of Sudermania was called upon to assume a temporary government, till final measures were taken respecting the king.

Steps were immediately taken to assemble the diet; and after considerable discussion, it was determined to depose the king, and to place the duke of Sudermania on the throne. A new constitution

was

was formed, consisting of 114 articles; the most important of which are to the following purport:—The government is declared to be monarchical and hereditary, with limitation to the male issue:—the king is wholly exempt from responsibility, but the members of the council of state, appointed by him, are to be responsible for the advice they give. The privilege of deciding upon all business before the council is vested in the king, who may assent or dissent, in opposition to all the members: to them is allowed only the liberty of remonstrating; and they are to record their dissent from the opinion of the king: if they do not, they are to be deemed guilty of abetting the king in his decision, if it should be unconstitutional. No person can be deprived of his life, liberty, honour or property, without trial:—no person can be harassed or persecuted for his religious opinions.—No judge can be removed from his office by the king, without just cause and proof of criminality. The diet is to be regularly assembled, but no diet is to sit longer than three months. No officer of the crown is to use his influence in the election of the members of the diet. No man, while a member of the diet, can be accused or deprived of his liberty, for what he may have done or said in his respective state, unless the state to which he belongs shall require it. The king cannot impose any taxes without the consent of the diet.—The liberty of the press is to be superintended by a committee.

As soon as the revolution which had taken place in Sweden was known in Russia, an armistice was concluded between the two powers: this however was not of long dura-

tion. The particular causes which terminated it are not well understood: but there is ground for supposing that Russia was anxious to interfere in the settlement of the Swedish government to a greater extent than the duke of Sudermania and the Swedish nobility were willing to admit. Some difficulty might also arise from the express declaration of the new king, that he was determined not to consent to any peace with Russia, which should be disgraceful to Sweden, or compel her to take up arms against her faithful ally Great Britain. The war between Russia and Sweden was accordingly renewed; but misfortune still attended the armies of the latter; and as the former receded from some of her demands which were considered most harsh and dishonourable, peace was at length concluded between them on the 17th of September. Great sacrifices of territory were necessarily made by Sweden: the sea of Aland, the gulf of Bothnia, and the rivers of Tornea and Meconio were fixed as the future boundaries between the two kingdoms. The islands at an equal distance from Aland and Finland were ceded to Russia; while Sweden was permitted to retain such as were nearer to her own coast. Sweden obtained some relaxation with respect to her commercial intercourse with Great Britain: she promised to adhere to what Bonaparte is pleased to denominate the continental system, under certain modifications which the necessities of the country absolutely required. The king of Sweden engaged to shut his ports to the ships of Great Britain, and not to allow the importation of any thing from that country, except salt and colonial

colonial produce. Soon after peace was concluded between Russia and Sweden, the latter opened a negotiation with France and Denmark: the terms with Denmark were soon adjusted, nor do they contain any thing remarkable. The negotiation with France was more protracted: by the terms of it, a more strict adherence to the continental system was imposed on Sweden, to which, however, as yet, she has not been compelled to submit. As soon as the new constitution of Sweden was fixed, and it was found that the people were completely tranquillized and content, more liberty was given to Gustavus, and a regular income was allowed him.

Denmark offers little to our notice this year. From the nature and situation of her territories, she suffers much from the war with Great Britain. Norway, unproductive in itself, and cut off by our superior maritime power from all regular connexion with the more fertile territories of Zealand and Jutland, has suffered considerably: nor has Zealand itself been much more fortunate; although this island is extremely productive of corn, yet it is indebted to the continent for many of the necessaries of life, from which it was completely cut off by our ships cruising in the Belts. As, however, it was evidently for the mutual advantage of Denmark and Britain, that a commercial intercourse should take place between them, the former government, as far as she was permitted by Bonaparte, has relaxed in her interdiction of our manufactures and colonial produce. And as the very existence of Norway depended on her interchanging her timber for the necessaries of life, the trade between that country and Britain has been carried on with

1809.

little interruption. Iceland, the oldest colony of any European state, has been taken possession of, rather than conquered, by the English; but hitherto our humanity has had more room for exertion in this inhospitable spot, than our commerce.

The affairs of Russia, independently of her connexion with France and her war with Sweden, are of little importance. As soon as peace between Great Britain and Turkey had been brought about by the mission of Mr. Adair and the intervention of the Austrian ambassador at the Porte, Russia directed her arms against that power. It was expected that the fate of this shattered and convulsed empire would soon be decided. Another revolution had taken place at Constantinople, in which Mustapha Baraictter had been either slain or compelled to fly, and the Janissaries had assumed a tumultuous and despotic power. But the Russian forces, though opposed to a government at all times feeble, and latterly become convulsed to the very centre, did not succeed or advance towards the accomplishment of their great object with so much celerity as was anticipated. That the destruction of the Turkish empire is at hand, there can be little doubt; but till the pleasure of Bonaparte decrees its dissolution, the power of Russia will be impotent against it. With respect to the internal situation of the latter kingdom, it may easily be conjectured, from the devotion of its monarch to the very creatures of Bonaparte;—the ill-will and dissatisfaction of the nobility from this cause, and from the almost destruction of their revenues, in consequence of the interruption of the commerce between Russia and Great Britain. In the case of Russia,

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the impossibility of imposing effectual and permanent restrictions on commerce is abundantly manifest. So overloaded was this country with superabundant produce, and so destitute of the articles for which she was accustomed to exchange it, that the emperor Alexander was at length compelled to admit of the exportation of timber and naval stores to Britain, and to receive from her manufactures and colonial produce.

But the inhabitants of no country on the continent suffered more from the interruption of commerce than those of Holland. Their habits and their necessities alike lead them to commercial pursuits. Bonaparte, aware of this, and suspecting that they would favour and encourage the importation of British goods, obliged his brother Louis to impose very rigid restrictions on his subjects. Louis, naturally of a mild and peaceable disposition, and not able to witness the distresses of his subjects without feeling a wish to relieve them, endeavoured in vain to soften his brother, and to persuade him to relax his anti-commercial edicts with respect to the Dutch. Some time, and for a short period, he seems to have succeeded; for decrees were issued allowing the exportation of certain articles, the produce of Holland, and the importation of goods from Great Britain. But these decrees were either rescinded in such a short time, or were so constantly altered, that commercial adventurers were afraid to act upon them. Notwithstanding all that the Dutch had suffered in furtherance of the objects of Bonaparte's ambition, and of his hatred against this country, they were officially accused in the *Moniteur* of having deserted the cause of the

continent, and opposed the anti-commercial decrees of Bonaparte. This accusation drew from the Dutch a pathetic appeal to what they had suffered and done for France; but the appeal was made in vain. Bonaparte knew that, notwithstanding his hordes of custom-house officers, the manufactures of this country, and colonial produce to an enormous amount, was smuggled into Holland, and through Holland introduced into the continent and even into France itself. The expedition of the English against Flushing took place about this time: he conceived that if the island at the mouth of the Scheldt had formed part of the French empire, they would have been better prepared for an invasion, and would not have exposed his navy and arsenals at Antwerp to such great danger. As soon therefore as he had finished the war with Austria, he summoned his brother Louis to Paris, for the purpose of settling the changes that he deemed necessary in Holland, and of infusing into him, if possible, a portion of his own callousness to the sufferings of his subjects, and of his hatred to England.

In France itself, our attention is called this year to a very important scene;—the divorce of Bonaparte from his empress Josephine. But before we detail the particulars of that scene, we shall advert to the speech of the emperor to the legislative body, and the usual annual exposition of the state of the country.

The legislative body met on the 3d of December, when Bonaparte addressed them in the usual strain. He rapidly sketched his triumphs in Spain and Austria; and congratulated them on the termination of what he denominated the

the fourth Punic war in the short space of three months. He then diverted to our fatal and inglorious expedition to the Scheldt. "The genius of France conducted the English army: it has terminated its projects in the pestilential marshes of Walcheren." The extension of the French empire is the next subject of congratulation. The Tuscans were worthy of forming part of the great nation, from the mildness of their character, from the attachment of their ancestors to France, and from the services they have rendered to European civilization: on these accounts they are united to the empire. The pope is stripped of his temporal power and territory, and compelled to restore it to the successor of Charlemagne, from whom he received it, because the great schemes of Bonaparte were always opposed in the Peninsula by the weakness or treachery of the sovereign pontiff. The treaty of Vienna has given to France a great extent of territory on the Adriatic sea: this territory is formed into the Illyrian republic, and shall be governed in such a manner as shall enable France either to protect or punish the neighbouring Turkish empire." Holland, placed between England and France,—but from her position the natural outlet of the principal arteries of the latter, must undergo some changes, in order to cover the safety of the empire, and promote the mutual interest of the two countries. This speech concluded with denouncing the flight of the leopard to the ocean, in order to avoid shame, defeat, and death, as soon as Bonaparte should cross the Pyrenees.

In the annual exposition of the state of the French empire, it is acknowledged that its commerce

suffers considerably; nor is there any hope held out that it would speedily regain its former freedom and flourishing state. In order to draw off the attention of the French people from this gloomy and discouraging subject, the victories and conquests of Napoleon are enumerated and dwelt upon at great length, and with much exultation and triumph; while the perfidy and the blunders of the English ministry are brought into contrast with French honour, moderation, and success. It is positively denied that Bonaparte ever entertained the idea of restoring the kingdom of Poland, or that he views with the least jealousy or ill-will the great accession of territory gained by Russia from Austria and Sweden. The necessity and advantage of uniting part of Holland to France are more fully dwelt upon than in the speech of Bonaparte. But the most singular passage in this part of the exposé, is that which relates to the Spanish settlements in America. The French emperor will not oppose their independence;—as if it rested with him, destitute as he is of a navy, whether the Spanish colonies should be free or not.

The works that have been carried on in the interior of France are next enumerated: among these the most useful are the canal Napoleon, which will unite the Rhine and the Rhone;—the maritime works at Cherbourg, where the rock has been hollowed out 30 feet below high water;—the roads which traverse the Alps, the Appenines, and the Pyrenees, in every direction; and the draining the sterile marshes of Bourgoing, Cotentin, and Rochefort. On no work have the French bestowed more pains, laid out more money, or exerted more skill and labour, than on their high roads,

which lead from the empire to the neighbouring kingdoms: and by no work perhaps has France more contributed to her victories and conquests. By means of the excellent roads leading from France to Germany, Bonaparte in every war with Austria, and particularly in the last, was enabled to transport with so much celerity, such immense bodies of troops, with their requisite artillery, accoutrements, and provisions, and to bring up, whenever it was requisite, fresh reinforcements.

A rumour had for a long time gone abroad, which, though it occasionally died away, was always revived after a short interval, that Bonaparte meant to divorce Josephine, for the purpose of uniting himself with a younger and more noble bride. At last, on the 16th of December, his design to dissolve his marriage was formally announced. The project of a decree on the subject was submitted to the senate on that day, and before the sitting terminated the law authorizing the divorce was enacted. To witness this divorce, most of the relations of Bonaparte and Josephine were summoned to Paris. The archchancellor was ordered to attend in the grand cabinet of the emperor, where the empress, the kings of Holland, Westphalia, and Naples; the viceroy of Italy; the queens of Holland, Westphalia, and Spain; madame, the mother of Bonaparte, and the princess Pauline, were assembled.—The emperor then explained to them his views, and the motives which had led him to form them and carry them into execution. Anxious to promote the interests of France, and convinced that those interests would be best secured if he should leave children to inherit his throne,

brought up in the knowledge of his plans, and imbibing from him his love of the French people; he had come to the reluctant determination to divorce the empress Josephine, to whom he could no longer expect to have issue, in order that he might unite himself to a more youthful bride. This motive alone, and no other ground of complaint against the empress, whom he wished still to retain the title, and whom he should always esteem, had led him to this step. As soon as Bonaparte had finished, the empress stepped forward, and declared that she willingly consented to the divorce in order to further the emperor's generous and patriotic views. From him she had received all she possessed: towards him she felt the strongest attachment; of this attachment she gave the greatest proof by consenting to cease to be his wife.—A procès verbal was then drawn up, which was signed by the kings, queens, princes, and princesses present, as well as by the emperor and empress. Thus terminated a scene which we might be disposed to mock for its mimicry, did not the character of Bonaparte forcibly and painfully impress upon our minds the conviction, that it is intended to produce, and will most assuredly produce the consolidation and permanency of his power, and the consequent hopelessness of the restoration of independence to Europe.

Of the changes which Bonaparte has effected on the continent of Europe, perhaps a pretty clear and adequate idea may be formed, by a description of the new kingdom of Westphalia, and of Prussia:—the one made up of a number of states, before their union subject to very different governments; and the latter, reduced by an ill-conducted

ducted war below the level of most of the newly created kingdoms of Bonaparte. The kingdom of Westphalia is divided into eight departments; its area consists of about 3000 square miles, and its population amounts to 1,946,343. This population consists of Prussians, Hessians, Hanoverians, Brunswickers, &c., who rejoice at, or are dissatisfied with, their new sovereign and form of government, according to the comparative happiness or misery they experienced before they were subdued and incorporated. The Hessians have the least cause to lament the change in their condition;—the people of Hanover and Brunswick, the most. This motley group is kept in subjection by an immense military force, much beyond the capability of the territory. The contingent to the confederation of the Rhine amounts to 20,000 infantry, 3,500 cavalry, and 1,500 artillery; but the French emperor is always ready to supply troops to keep his new kingdoms in subjection, under the pretext of enabling them to maintain their military establishment.

In several respects the German states which now form the kingdom of Westphalia, are theoretically benefited since their incorporation. It is however doubtful whether the privileges granted by their new constitution will ever be fully and regularly enjoyed. Some, indeed, have already taken place. All kinds of slavery and vassalage are abolished. In the eye of the law, all are declared to have equal rights. The indifference, or the liberality, manifested by Bonaparte in points of religion, has been extended to them; every form of religious worship is permitted, and no political disability is recognised. The trial by jury in criminal cases

is established. The system of taxation is regular and uniform. These blessings are counterbalanced, or dearly purchased, by the loss of domestic happiness, arising from the conscription laws;—the decrease of their comforts, by the annihilation of their trade;—the suppression of their feelings, from the dread of military execution, should they utter a complaint;—the subversion of their moral principles, from the secrecy, deceit, and fraud, they are compelled to have recourse to, in order to elude the conscription laws, or to procure by exchange a few of the prohibited comforts of life;—and finally, by the decline of civilization and learning among them, owing to the military character of their government.

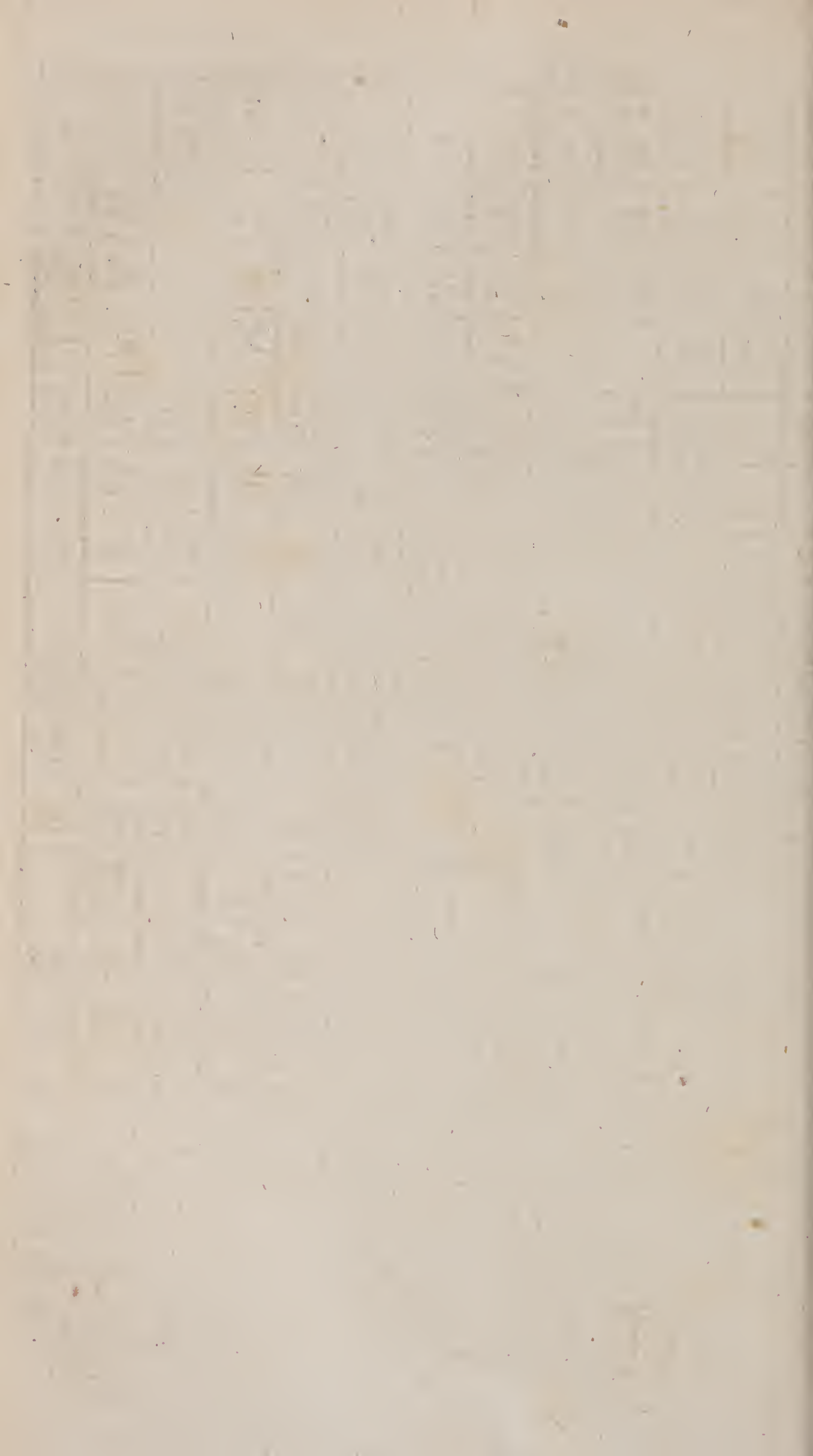
The kingdom of Prussia, notwithstanding the severe losses she has sustained in the south-west of Poland and the north-west of Germany, still contains a population of more than five millions. Her inferiority therefore does not arise so much from the territory she has been compelled to relinquish, as from the weakness and impolicy of her government. Although her fall resulted from these causes, they are still suffered to subsist and operate. Every measure which would call forth the industry of her inhabitants is now peculiarly necessary, in order to compensate for her losses; yet monopolies and restrictions are still allowed to continue. Policy dictates to Prussia the necessity of giving up the idea of continuing a military power, while it points out the advantages she possesses for commerce; yet the king still fondly cherishes the hopes and plans formed by the great Frederic, and directs his feeble efforts to recruit his army in the midst of an impoverished people.

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From this rage for continuing Prussia a military power, consequences prejudicial, not only to commerce, but also to the finances, have resulted: the soldiers are paid regularly and fully, while the public functionaries are left unpaid, or receive only half their salaries; the state paper is at a great discount: no money circulates: people lock it up, unable to employ it from the restrictions imposed on trade, and afraid to discover their possession of it, lest they should be summoned to contribute to forced

loans. From these circumstances it is abundantly evident that the Prussian government is a still greater enemy to the welfare of its own subjects, than the ambition and rapacity of France; and that its misfortunes have not yet opened its eyes to their causes and remedy: a further illustration and proof, if it were needful, of the melancholy truth, that the old governments of Europe have fallen principally through their own obstinacy, prejudice, weakness, and folly.

1809.	Bank Stock.	5 p. ct. red.	5 p. ct. 3 p. ct. cons.	5 p. ct. 4 p. ct. cons.	5 p. ct. Navy.	5 p. ct. 1797.	Long Ann.	Stock.	Bonds.	Stock.	Ann.	Ann.	Bills.	Omn.	5 p. ct.	3 p. ct.	Tickets.
Jan.	{ 235 243½	67½ 65½	67½ 65½	83 81½	98½ 97½		18½ 18	185 181½	11 pr. 1 pr.	71½	67½ 65½	66½ 65	13 pr. 2 pr.	¼ pr. 1½ dis.	95½ 95	66½ 64½	55 l. Os. 21 18
Feb.	{ 247½ 243	68½ 67½	67½ 65½	84 82½	99½ 98½		18½ 18½	184½ 182½	13 pr. 8 pr.	73½ 71½	68 67	67½ 66½	12 pr. 8 pr.	1 pr. par.	97½ 96½	67 66	21 19
March	{ 246½ 245½	68½ 67½	68½ 67½	84 83½	99½ 97½		18½ 18½	184½ 183½	12 pr. 5 pr.	73½ 72½	68½ 67½	67½ 67	14 pr. 3 pr.		97½ 97½	67½ 66½	22 4 21 19
April	{ 245½ 242½	67½ 66½	68½ 67½	83½ 81½	98½ 98½		18½ 18½	185½ 184½	16 pr. 6 pr.	73½ 72½	67½ 66½	68½ 67½	13 pr. 5 pr.		94½ 94½	66½ 66½	22 4
May	{ 247 245	67½ 66½	68½ 67½	83½ 81½	99½ 98½		18½ 18½	187 185½	18 pr. 12 pr.	74½ 73½	67½ 66½	68½ 67½	13 pr. 7 pr.	1 pr. ¾ pr.	95½ 94½	66½ 65½	
June	{ 260½ 247½	68½ 66½	69½ 68½	83½ 82½	100½ 99½		18½ 18½	190½ 188	20 pr. 15 pr.	73½	68½ 67½	68 67½	12 pr. 2 pr.	¾ pr. ¼ pr.	97½ 95½	66½ 66½	21 11
July	{ 261½ 260	68½ 68½	69½ 67½	84½ 83½	99 98½		18½ 18½	192½ 190½	24 pr. 16 pr.	73½ 73	68½ 68½	68 67½	11 pr. 4 pr.	1½ pr. ¼ pr.	97½ 97½	67½ 66½	21 11
Aug.	{ 262 260½	69 68½	68½ 67½	84½ 84½	99½ 98½	101½	18½ 18½	188½ 185	23 pr. 19 pr.	74½ 73½	68½ 67½	68½ 67½	12 pr. 6 pr.	1½ pr. ¾ pr.	98 98	67½ 67½	21 11 21 17
Sept.	{ 278 263	68½ 67½	68½ 68½	84½ 84½	99½ 98½		18½ 18½	188½ 187½	24 pr. 19 pr.		68½ 68½	68½ 67½	14 pr. 4 pr.	1 pr. ¾ pr.	98½ 98½	67½ 67½	21 11
Oct.	{ 271 261	68½ 67½	69½ 68½	84½ 82½	99½ 101		18½ 18½	194½ 187½	28 pr. 19 pr.	73½ 73½	68½ 67½	69½ 68	14 pr. 4 pr.	1½ pr. ¾ pr.	97½ 97½	67½ 67½	21 17
Nov.	{ 285½ 272	69½ 68½	70½ 69½	84½ 83½	102½ 100½	99½ 100½	18½ 18½	197½ 193½	34 pr. 23 pr.	74½	69½ 69	69½ 69½	16 pr. 8 pr.	2½ pr. 1½ pr.	99 98½	68 67½	22 15
Dec.	{ 278 277	70 69½	71 70	84½ 80	102 101		18½ 18½	195½ 195	27 pr. 19 pr.		69½ 68½	99½	15 pr. 5 pr.	2½ pr. 2½ pr.	98½ 97½	68½ 68	22 15



PRINCIPAL
OCCURRENCES

In the Year 1809.

PRINTED

JOHN W. B. & CO.

PRINCIPAL OCCURRENCES

In the Year 1809.

DECEMBER, 1808.

31. On Friday a great crowd of people gathered round the house of Mr. Hunt, a tinman, in Chandos-street, Covent-Garden, on the supposition that a girl, who had been his servant, had lost her life through beating and starvation, as was very universally circulated through the crowd. In the evening the popular indignation rose to such a height, that several panes of glass were broken in the house by the mob. Police officers were called in, and the crowd were dispersed. An inquest was then held at the Crown and Thistle, in the same street, before Anthony Gell, esq. coroner for Westminster. The substance of the evidence was, that Ann Fane, the deceased, was a girl about fifteen years of age, and had been a pauper in the workhouse at Lynn, in Norfolk, in consequence of her having been the orphan child of poor parents. She was taken a short time back into the service of Mr. H. as an apprentice. She was thought by her mistress to be an untoward girl, and at different times received correction. From what cause it did not appear, but she fell into a dangerous state of ill-health. Dr. Merriman, of the Western Dispensary, prescribed for her at different times; but she was always in the company of Mrs. H.

A relation frequently visited her, but always in the presence of Mrs. H. and nothing particular came out. A neighbour had frequently heard the girl cry out, and there were the marks of blows upon different parts of her person. But Dr. Merriman was of opinion that there was not any appearance whatever of injury, such as was sufficient to have occasioned the death of the patient, either internally or externally; and the deceased having been for some time ill, the verdict was—Died a natural death.

The suit commenced by Francis Newbery, esq. of Heathfield Park, in Sussex, against the inhabitants of his parish, for the damage he sustained by his woods having been twice set on fire, in the month of March last, by some person or persons unknown, has been determined by the payment to him of the sum awarded, in conformity with the opinions of two eminent counsel, who both agreed, that Mr. Newbery was entitled to recover, under the acts of the 18th of Edward I. and the 6th of George I. This case is of importance to the community, as it will show, that in such atrocious attempts upon magistrates, and others who are active in the discharge of their duty, malice will miss of its aim, and the injury fall upon the neighbourhood, instead of the individual.

FAMILY OF BONAPARTE.

Napoleon	Emperor of France and king of Italy.
Joseph Bonaparte	King of Spain.
Louis Bonaparte	King of Holland.
Jerome Bonaparte	King of Westphalia.
Eugene Beauharnois, step-son to Napoleon	} Viceroy of Italy.
Infant daughter of ditto	
Joachim Murat, brother-in-law to Napoleon	} King of Naples.
Cardinal Fesche, uncle to Napoleon	
	} Archbp. of Lyons and primate of the confederation of the Rhine.

Vassal Kings of Bonaparte's Creation.

King of Bavaria.
 King of Wurtemberg,
 King of Saxony.

Some of the French Nobility created by Bonaparte.

C. M. Talleyrand	{ Prince of Benevento, in the kingdom of Naples.
Marshal Bernadotte	
—— Berthier	Prince of Neuchatel (Switzerland.)
—— Marmont	Duke of Ragusa (Dalmatia.)
—— Junot	Duke of Abrantes (Portugal.)
—— Savary	Duke of Rovigo (Italy, near Venice.)
—— Davoust	Duke of Auerstadt.
—— Augereau	Duke of Castiglioni (in Italy, near Mantua.)
—— Bessieres	Duke of Istria (East of the Venetian Gulf.)
—— Kellerman	Duke of Valmy.
—— Arlichis	Duke of Padua (near Venice.)
—— Caulincourt	Duke of Vicenza (near Venice.)
—— Duroc	Duke of Friouli (north of Venice.)
—— Victor	Duke of Belluno (near Venice.)
—— Soult	Duke of Dalmatia (Gulf of Venice.)
—— Lefebvre	Duke of Dantzick.
—— Moncey	Duke of Cornegliano (in Italy, near Parma.)
—— Mortier	Duke of Treviso (near Venice.)
—— Massena	Duke of Rivoli (near Turin.)
—— Ney	{ Duke of Elchingen (Germany, circle of Swabia.)
—— Lasnes	
Mons. Cambaceres	Duke of Montebello (Italy) killed.
—— Lebrun	Duke of Placenza (Italy.)
—— Lacul	Count Sessac.
—— Clark	Count Huenberg.

SUPPLIES SENT TO SPAIN AND PORTUGAL.

Sent since the 1st of May, 1808.	
Pieces of cannon.	98 and 31,600 rounds of ammunition.
Howitzers.	38, and 7,200 do.
Carronades.	90, and 4,000 do.
Musquets.	200,177
Rifles.	200
Swords.	61,391
Pikes.	79,000
Infantry accoutrement—sets	39,000
Ball cartridges	23,477,955
Lead balls.	6,060,000
Whole barrels of powder.	15,400
Specie.	£1,931,903
Bills of exchange negotiated	200,434
Camp equipage	10,000
Tents.	40,000
Linen—yards.	118,000
Cloth—do	125,000
Calico..do.	82,000
Serge—pieces.	6,485
Cloth..do.	4,016
Great coats.	50,000
Suits of clothing.	92,000
Shirts.	35,000
Shoes.	96,000
Shoe soles.	15,000
Calico—pieces.	22,212
&c. &c. &c.	
Canteens.	50,000
Haversacks.	54,000
Hats and caps.	16,000
Pouches and belts.	240,000
Pieces sheeting.	762
On their passage.	
Cloth—pieces.	238
Shirts.	4,100
Pouches.	47,000
Shoes.	78,000
Shoe soles.	35,000
Boots.	8,100
To be shipped as soon as received from contractors.	
Boots.	28,400
Shoes.	233,400
Suits.	100
Pouches.	150,150
Cloth—yards.	125,000

The foundation-stone of the new theatre in Covent-Garden, now erecting by Mr. Robert Smirke, was this day laid by his royal highness the prince of Wales, as grand master of the free masons; the duke of Sussex, earl Moira, and other distinguished noblemen, with some hundreds of that order, attended in procession. Considerable importance and interest was given to the spectacle by the honour thus conferred upon it; and all necessary pre-arrangements having been admirably attended to by the proprietors and the architect, the whole ceremony passed with much éclat. It attracted a great concourse of people: all the adjacent streets and houses were thronged, and near a thousand spectators were admitted with tickets, and accommodated within the enclosed area, in a temporary covered building erected opposite to the foundation-stone; another building was provided for the free masons, and a marquee for his royal highness the prince of Wales. Above seven hundred workmen belonging to the building stood on surrounding scaffolds. Military detachments guarded the exterior; the grenadier company of the first regiment of guards was stationed within the ground at the prince's entrance, and the whole scene was enlivened by the music of various military bands. The foundation-stone is at the N. E. angle of the building, of an oblong shape, and weighing nearly three tons; it hung suspended over a basement-stone. At half-past twelve the procession of free masons entered the area, adorned with their various paraphernalia, the chevalier Ruspini bearing the sword before them, and attended by a band of music. His royal highness the prince of Wales arrived at one o'clock, and was received

ceived by earl Moira and other superior members of the order; a discharge of artillery and loud acclamations welcomed his approach, while all the bands uniting, struck up 'God save the King.' His path, from the entrance to the marquee, was covered with green cloth. His royal highness appeared in excellent health, and was brilliantly decorated with all the insignia of the order. Having arrived at the marquee, Mr. Smirke, the architect, presented him with a plan of the building: his royal highness then advanced, and deposited, in the basement-stone, a brass box containing two medals, one of bronze, on which was a portrait of his royal highness, and on the reverse, the following inscription:

' Georgius
Princeps · Walliarum
Theatri
Regiis · Instaurandi · Auspiciis
In · Hortis · Benedictinis
Londini
Fundamenta
Suâ · Manu · Locavit
M.DCCC.VIII.'

The other medal was deeply engraved in copper; on one side is inscribed:

' Under the Auspices of
His most sacred Majesty George III,
King of the United Kingdom of
Great Britain and Ireland,
The Foundation-stone of the
Theatre Covent Garden
Was laid by his Royal Highness
George Prince of Wales,
M.DCCC.VIII.'

On the other side is engraved:

' Robert Smirke, Architect.'

There were deposited also, gold, silver, and copper British coins of the latest coinage.

Three masons then spread mortar

over the lower stone; and earl Moira, deputy grand master, having presented the prince with a silver trowel, his royal highness and the grand master finished spreading it, and the stone was slowly let down, its descent was proclaimed by a discharge of artillery. The plumb-line, the level, and the square, were then presented by the acting grand master; with which the prince tried the position of the stone, after which he finished the laying of it by three strokes with a mallet; he now poured over it the ancient offerings of corn, wine, and oil, from three silver vases. His royal highness now returned the plan into the hands of the architect, desiring him to complete the edifice conformably to it; and addressing Messrs. Harris and Kemble, he expressed his wishes for the success and prosperity of the undertaking. The ceremony being now finished, the illustrious grand master retired, leaving every spectator in admiration of the grace and dignity with which he had performed his part.

JANUARY.

OLIVER CROMWELL'S HOUSE,
WHITEHALL.

There is scarcely a neighbourhood in town but is said to have had a house which was occupied by this celebrated usurper:—Islington, Clerkenwell, and Westminster, were full of those said to have been his residences; but the one best entitled to credit is that lately the property of — Wilson, esq. situate near Caddick's-row, Whitehall, whose family has occupied it in succession from the decease of Oliver. This place, singular in its outward appearance, was trebly so within: long dark passages, double doors, grated windows, subterraneous labyrinths, intricate

tricate closets, detached rooms, and gloomy windows, form its model; and the furniture, every way corresponding to such a dwelling, has been carefully preserved, and, on the demolition of the premises, conveyed by Mr. Wilson to his seat in Hertfordshire. Among other articles of a curious description, were some of the protector's clothes, watch, and some antique bronzes. One room was particularly curious, as being the place selected by Cromwell for consultation with his confidants:—the floor was composed of small pieces of wood to resemble a tessellated pavement, and a retreat furnished against intrusion or surprise, by a sliding pannel in the wainscot, that led to a dark staircase, rendered only safe in descent by a rope, similar to those formerly at the galleries of the theatres. That Cromwell was in continual fear of assassination is well authenticated; and it is known that no person, during his usurpation, knew where he slept, which in some measure accounts for the variety of houses he is said to have inhabited. Many attempts were made on his life, and some persons were apprehended, found guilty, and executed for plots against him.

Admiralty-office, Jan. 7.

Copy of a letter from vice-admiral lord Collingwood, commander in chief of his majesty's ships and vessels in the Mediterranean, to the hon. W. W. Pole; dated on board the *Ocean*, off Toulon, the 19th of October, 1808.

Sir,—I inclose a letter which I have just received from the right hon. lord Cochrane, captain of the *Imperieuse*, stating the services which he has been employed in on the coast of Languedoc. Nothing can exceed the activity and zeal

with which his lordship pursues the enemy. The success which attends his enterprises clearly indicates with what skill and ability they are conducted; besides keeping the coast in constant alarm, causing a total suspension of the trade, and harassing a body of troops employed in opposing him, he has, probably, prevented those troops which were intended for Figueras from advancing into Spain, by giving them employment in the defence of their own coasts.—On the coast towards Genoa, the enemy has been equally annoyed by the *Kent* and *Wizard*. Those ships have had that station sometime to prevent the French ships sailing from Genoa, and have almost entirely stopped the only trade the enemy had, which is in very small vessels:—during their cruize there they have taken and destroyed twenty-three of those coasters.—I inclose the letter of captain Rogers, giving an account of the attack made at Noli, and the capture of the vessels in the road.

I have the honour to be, &c.

COLLINGWOOD.

Imperieuse, Gulf of Lyons, Sept. 28.

My lord,—With varying opposition, but with unvaried success, the newly-constructed semaphoric telegraphs, which are of the utmost consequence to the safety of the numerous convoys that pass along the coast of France, at Bourdique, La Pinede, St. Maguire, Frontignan, Canet, and Foy, have been blown up and completely demolished, together with their telegraph-houses, fourteen barracks of the gens d'armes, or Douanes, one battery, and the strong tower upon the lake of Frontignan.—Mr. Mapleton, first lieutenant, had command of these expeditions; lieutenant Johnson had charge of the field

pieces, and lieut. Hore of the royal marines. To them and to Mr. Gilbert, assistant-surgeon; Mr. Burney, gunner; Messrs. Stewart and Stovin, midshipmen, is due whatever credit may arise from such mischief, and for having with so small a force drawn about two thousand troops from the important fortress of Figueras in Spain to the defence of their own coast.—The conduct of lieutenants Mapleton, Johnson and Hore, deserves my best praise, as well as that of the other officers, royal marines, and seamen. I have, &c.

COCHRANE.

Imperieuse, None killed; none wounded; one singed blowing up a battery.—French, One commanding officer of troops killed; how many others unknown.

H. M. S. Kent, off Genoa, August 2.

Sir,—I beg leave to acquaint you, that yesterday, running along the coast from Genoa towards Cape del Melle, we discovered a convoy of ten sail of coasters deeply laden, under the protection of a gun-boat, at anchor close to the beach abreast of the town of Nolis; and as there appeared a fair prospect of bringing them out by a prompt attack before the enemy had time to collect his force, I instantly determined to send in the boats of the Kent and Wizard; and as there was but little wind, I directed capt. Ferris, of the Wizard, to tow in and cover the boats, which immediately put off, and, by great exertion, soon towed her close to the vessels, when it was found impossible to bring them out without landing, most of them being fastened to the shore by ropes from their keels and masts-heads. The boats therefore pulled to the beach with great resolution, exposed to the fire of two guns in

the bow of the gun-boat, two field-pieces placed in a grove which flanked the beach, a heavy gun in front of the town, and a continued fire of musketry from the houses; but these were no check to the ardour and intrepidity of British seamen and marines, who leaped from the boats, and rushed upon the enemy with a fearless zeal that was not to be resisted. The gun in front of the town was soon taken and spiked by lieut. Chasman, second of the Kent, who commanded the seamen, and lieut. Hanlon the royal marines; and the enemy, who had drawn up a considerable force of regular troops in the grove, to defend the two field-pieces, was dislodged by capt. Rea, who commanded the royal marines, and lieut. Grant of that corps, who took possession of the field-pieces, and brought them off. In the mean time, lieuts. Lindsay and Moresby of the Kent, and lieut. Bisset of the Wizard, who had equally distinguished themselves in driving the enemy from the beach, were actively employed in taking possession of the gun-boat, and freeing the vessels from their fasts to the shore; and I had soon the satisfaction to see our people embark, and the whole of the vessels coming out under the protecting fire of the Wizard, which, by the judicious conduct of capt. Ferris, contributed very essentially to keep the enemy in check, both in the advance and retreat of the boats.—I should have pleasure in noticing the midshipmen and others who were conspicuous in this little enterprise; but I fear that I have already given a longer detail than it may be thought worthy of, and shall therefore only beg leave to add, that one seaman killed, and one badly wounded (since dead), both of the Kent, is all

all the loss we sustained. The enemy left many dead on the ground. —The gun-boat was a national vessel, called *La Vigilante*, commanded by an *enseigne de vaisseau*, with a complement of forty-five men.

THOMAS ROGERS.

P. S. Since writing the above, the boats of the *Kent* and *Wizard* have brought out, without mischief, from under the guns of a fort near Leghorn, where they had taken shelter, three laden vessels, and burnt a fourth, which was aground and could not be got off.

MARLBOROUGH-STREET.

8. A man of venerable appearance, named Grecian, was charged with setting fire to a house, No. 3, New Row, Sloane-street, and burning one apartment therein. Richard Vincent stated, that he was landlord of the above house, and the prisoner and his son his lodgers. In consequence of the quarrelsome disposition of his tenants, he thought proper to give the prisoner warning to quit the apartments. This, however, he refused to do, and swore he would burn the house before he would leave it; and he conducted himself in such a manner as gave the prosecutor very great reason to believe he would carry his threats into effect. About twelve o'clock the same night, the prosecutor's wife was awakened by a strong smell of fire, when she proceeded to the prisoner's apartment, and knocked at his door. A considerable time elapsed before he answered, and not until she had knocked repeatedly did she discover that he had been in a sound sleep. He then rose; but when he discovered his back room was in flames he appeared in the utmost consternation, and exhibited so many signs of distraction as sufficiently exculpated

him from all suspicion; and he and his son, by their exertions, soon put an end to the conflagration. The circumstances being represented to the solicitor for the Sun fire-office, that gentleman attended and enforced the charge, on the ground of the prisoner's threat. It appearing, however, that all the furniture in the room was his own; and, from the circumstance of his activity in putting out the flames, it could hardly be his intention to commit so foul a crime, the magistrate was induced to discharge him with a severe reprimand.

Downing-Street, Jan. 10.

Dispatches, from which the following are extracts, were on the 8th inst. received from lieut.-gen. sir J. Moore, K. B. commander in chief of his majesty's forces employed in Spain.

Benevente, Dec. 28, 1808.

Sir, Since I had the honour to address you upon the 16th, from Toro, the army has been almost constantly marching through snow, and with cold that has been very intense. The weather, within these few days, has turned to rain, which is much more uncomfortable than the cold, and has rendered the roads almost impassable. On the 21st the army reached Sahagun; it was necessary to halt there in order to refresh the men, and on account of provisions. The information I received was, that marshal Soult was at Saldana with about 16,000 men, with posts along the river from Guarda to Carrion.—The army was ordered to march in two columns at eight o'clock on the night of the 23d, to force the bridge at Carrion, and from thence proceed to Saldana. At six that evening I received information that considerable reinforcements had arrived.

at Carrion from Palencia, and a letter from the marquis de la Romana informed me that the French were advancing from Madrid either to Valladolid or Salamanca. It was evident that it was too late to prosecute the attempt upon Soult; that I must be satisfied with the diversion I had occasioned; and that I had no time to lose to secure my retreat. The next morning, lieutenant-gen. Hope, with his own division and that of lieutenant-gen. Fraser, marched to Majorga. I sent sir D. Baird, with his division, to pass the river at Valmira; and followed lieutenant-gen. Hope on the 25th, with the reserve and the light brigades, by Majorga, Valderas, to Benavente. The cavalry under lord Paget followed the reserve on the 26th: both the latter corps entered this place yesterday. We continue our march on Astorga. Generals Hope and Fraser are already gone on; sir D. Baird proceeds to-morrow from Valencia; and I shall leave this with the reserve at the same time. Lord Paget will remain with the cavalry, to give us notice of the approach of the enemy. Hitherto their infantry have not come up, but they are near, and the cavalry is round us in great numbers. They are checked by our cavalry, which have obtained, by their spirit and enterprise, an ascendancy over that of the French, which nothing but great superiority of numbers on their part will get the better of. The diversion made by our march on Sahagun, though at great risk to ourselves, has been complete. It remains to be seen what advantage the Spaniards in the south will be able to take of it; but the march of the French on Badajos was stopped, when its advanced guard had reached Talavera de la Peine; and every thing

disposeable is now turned in this direction. The only part of the army which has been hitherto engaged with the enemy has been the cavalry; and it is impossible for me to say too much in their praise. I mentioned to your lordship, in my letter of the 16th, the success of brig.-gen. Stewart had met with in defeating a detachment of cavalry at Rueda. Since that, few days have passed without his taking or killing different parties of the French, generally superior in force to those who attacked them. On their march to Sahagun, lord Paget had information of 6 or 700 cavalry being in that town. He marched, on the night of the 20th, from some villages, where he was posted in front of the enemy of Majorga, with the 10th and 15th hussars. The 10th marched straight to the town, whilst lord Paget, with the 15th, endeavoured to turn it: unfortunately he fell in with a patrol, one of whom escaped, and gave the alarm. By this means the French had time to form on the outside of the town before lord Paget got round. He immediately charged them; beat them, and took from 140 to 150 prisoners, amongst whom were two lieutenant-colonels and 11 officers, with the loss on our part of six or eight men, and perhaps 20 wounded. There have been taken by the cavalry from 4 to 500 French, besides a considerable number killed: this since we began our march from Salamanca. On his march from Sahagun, on the 20th, lord Paget, with two squadrons of the 10th, attacked a detachment of cavalry at Majorga, killed 20, and took above 100 prisoners. Our cavalry is very superior in quality to any the French have; and the right spirit has been infused into them by the example and

and instruction of their two leaders, lord Paget and brig.-gen. Stewart.

Astorga, Dec. 31, 1808.

Sir,—I arrived here yesterday. Major-gen. Fraser, with his division, will be at Villa Franca this day, and will proceed on to Lugo. Lieut.-gen. Hope, with his division, stopped yesterday two leagues from this, and proceeds this morning, followed by sir D. Baird. The two flank brigades go by the road of Penferada. I shall follow, with the reserve and cavalry, to Villa Franca, either this night or tomorrow morning, according as I hear the approach of the French. The morning I marched from Benevente, seven squadrons of Bonaparte's guards passed the river, at a ford above the bridge. They were attacked by brig.-gen. Stewart, at the head of the piquets of the 18th and 3d German light dragoons, and driven across the ford. Their colonel, a general of division, Lefebvre, was taken, together with about 70 officers and men. The affair was well contested. The numbers with which brig.-gen. Stewart attacked were inferior to the French: it is the corps of the greatest character in their army; but the superiority of the British was, I am told, very conspicuous. I inclose, for your lordship's satisfaction, lord Paget's report of it.

Benevente, Dec. 29, 1808.

Sir,—I have the honour to inform you, that about nine this morning I received a report that the enemy's cavalry was in the act of crossing the river at the ford near the bridge. I immediately sent down the piquets of the night under lieut.-col. Otway, of the 18th. Having left orders that the cavalry should repair to their alarm-posts, I went forward to reconnoitre, and

found four squadrons of imperial guards formed, and skirmishing with the piquets and other cavalry in the act of passing. I sent for the 10th hussars; who having arrived, brig.-gen. Stewart immediately placed himself at the head of the piquets, and with the utmost gallantry attacked. The 10th hussars supported in the most perfect order. The result of the affair, as far as I have yet been able to collect, is about 30 killed, 25 wounded, 70 prisoners, and about the same number of horses. It is impossible for me to avoid speaking in the highest terms of all those engaged. Lieut.-col. Otway and major Bagwell headed the respective night piquets: the latter is slightly wounded. The utmost zeal was conspicuous in the whole of my staff; and I had many volunteers from head-quarters and other officers of your army. Amongst the prisoners is the general of division Lefebvre (who commanded the cavalry of the imperial guard), and two captains. Our loss is, I fear, nearly 50 men killed and wounded. I will send a return the moment I can collect the reports.

PAGET, lieut.-gen.

13. Vincent Alessi, an Italian, about 50 years of age, was charged on three separate indictments, with uttering two forged notes, purporting to be of the bank of England, at different times, and to different persons; and with having other forged notes in his possession, knowing them to be such.

No witness was adduced, and the jury, under the direction of the court, found a verdict of Not guilty upon each indictment.

The late prisoner was passed into the body of the court.

John Nicholls was then put to the

the bar, and Alessi, together with some others, were sworn to give evidence against him.

Vincent Alessi swore, that he was by birth an Italian; that about the beginning of October last he first had dealings with the prisoner. He had a notion of going out to Spain upon a venture, and went down to Birmingham for the purpose of purchasing different articles, the manufacture of that place, to take out with him. Amongst others, he went to a brass-founder to bargain with him for some candlesticks. The man said, he could let him have that, or any other article, cheaper than any other man. He then showed him a one pound note, which, he said, he could let him have cheap, and that it would pass current in Spain. The witness not choosing at that time to bargain for the notes, the other showed him some dollars, which he said might answer better for the Spanish market. However, they parted without coming to any conclusion; and at night the prisoner called on the witness, saying, that he came by order of the other man; and after some conversation the witness agreed for a number of notes of different descriptions, at the rate of six shillings in the pound for each; and by the direction of the prisoner it was settled, that whenever the witness wrote from town for any certain number of notes, he should write for so many dozen candlesticks, calling them Nos. 5, 2, or 1, according to the sum which they were meant to represent. He accordingly did write after that for several dozen candlesticks of different numbers, meaning always for dozens to convey the idea of so many single notes, omitting the word dozen, and for the number, understanding invariably the a-

mount of each note. They regularly treated on the terms of 6s. in the pound, or 30s. for the 5l. note. The witness had passed the greater part of what he had purchased before his apprehension.

Thomas Beverley Westwood, clerk to Mr. Kaye, solicitor to the bank, stated, that by information which he received from the prisoner, he searched his lodgings, and found in a crevice in the mantle-shelf four 5l. notes. He then produced the draft of a letter from Alessi to Nicholls, written on the 10th of December, written whilst the former was in custody, assuring him that he (Alessi) was going to America; that he wanted to see Nicholls in London; that he wanted twenty dozen of candlesticks, No. 5—twenty-four dozen ditto, No. 1—and four dozen, No. 2.—The witness put the letter into the general post-office.

Alessi then resumed:—To this letter he received an answer, stating that the prisoner would be in town on the Tuesday week. This letter was dated on the 12th.

Here baron Thompson, who tried the case, said, he should leave it to the consideration of the jury, to determine, whether that could be fairly deemed an answer to a letter, the receipt of which had not been proved.

Alessi proceeded with his evidence:—By concert with John Foy and other officers of Marlborough-street police-office, when Nicholls came to town the officers were to be in a room adjoining, which was separated by a thin partition; and as soon as he (Alessi) had ascertained that Nicholls had the forged notes about him, the witness was to put on his hat, and the other was to be taken into custody. He did so, and the prisoner was apprehended.

hended. On his cross examination, the witness said that he followed no other business at the time but that of passing bad notes. He had been several years in England, and knew very well that people were hanged here for forgery, but was not aware that their lives were affected for passing bad notes. However, he certainly agreed to give the present information, because he thought it would be good for himself.

John Foy, the Marlborough-street officer, swore, that having bored a hole in the partition, between the room in which Alessi and the prisoner were, and the room in which he, his brother Thomas, and Jackson and Craig, (two other officers,) were placed, he heard and saw every thing that passed. After Alessi had counted up the amount of the whole sum which he was to pay for the notes, at 6s. in the pound, he said, "Well, Mr. Nicholls, you'll take all my money from me;" and Nicholls replied, "Never mind, sir, you'll have it all returned in the way of business." Alessi then said it was cold, and put on his hat; upon which the officers came in, and found notes precisely to the amount in number and value that had been ordered in the letter. One of them had the copperplate impression only, without being filled up with writing.

Mr. John Lee, inspector of notes at the bank, proved that the note which was referred to in the indictment, together with all the others, were forgeries in paper, plate, and writing; the 5l. notes were all from the same plate, and the writing was all of one character.

Mr. Terry, engraver to the bank, proved to the same effect.

The prisoner made no defence, but called two witnesses to his cha-

racter, one of whom (John Rocks, a publican in Birmingham), unfortunately for the prisoner, swore to his hand-writing in the letter of the 12th of December, in answer to Alessi's of the 10th.

After a minute and able charge from Mr. baron Thompson, the jury found the prisoner Guilty. The other charges were not entered into.

14. The workmen employed in clearing away the ruins of Covent-Garden theatre at the Piazza door, where the Phoenix engine with the firemen was so unfortunately destroyed, dug out, near the cistern; the body of a young man, not burnt, but much bruised. It proves to be the son of Mr. Webb, of Tottenham-court-road, and had been missing ever since that dreadful morning; but his parents, until the discovery of the corpse, had flattered themselves with the delusive hope that he had been either trepanned into a regiment of the line, or impressed into the navy.

17. Pursuant to a vote of the house of commons, passed in the last session, a *national vaccine establishment* is now formed, by direction of his majesty, for the purpose of promoting vaccination throughout the united kingdom; and is under the management of a board, consisting of the following members: sir Lucas Pepys, bart. president of the royal college of physicians in London; Dr. Mayo, Dr. Heberden, Dr. Satterly, and Dr. Bancroft, censors of the college. George Chandler, esq. master, Robert Keate, esq. and sir Charles Blicke, governors of the royal college of surgeons in London.—Director, Edward Jenner, M. D. F. R. S. Assistant director, James Moore, esq.—Registrar, Dr. Hervey.—Principal vaccinator, J. C. Carpue, esq.—Vaccinators at the stations: Charles

Charles R. Aikin, Thomas Halls, Richard Lane, Edward Leese, S. Sawrey, and J. P. Vincent, esqrs:—Secretary, Charles Murray, esq.

The house of the establishment is at No. 21, Leicester-square.

The lord mayor on Thursday held a court of common council, at Guildhall. Such members of the court as are governors, *ex officio*, of Christ's hospital, presented a report of the proceedings lately had at the hospital, in respect to the admission of improper objects into that charity, which was read, and ordered to be entered on the journals; and, after a warm debate, a committee was appointed, on the motion of Mr. Waithman, to inquire into the power of the court to obtain an inquiry, and a reform of the abuses existing in the presentation of children into the said hospital.

18. Several vessels below bridge having their cables cut by the floating ice, were of course adrift and in much confusion. They were carried with the impetuosity of the morning tide towards London-bridge: and a large west-country barge ran with her bows under the centre arch, and her mast beat for a long time with such violence against the battlements, as to loosen the masonry for a considerable distance. This was about four o'clock in the morning; and the bargemen, for the imagined security of the vessel, climbed the mast, lashed it to the balustrade, and then returned to the deck to wait the day-light and return of the tide. But such was the force of the existing current, that upwards of fifteen yards of the balustrade were thrown into the river, and four men were killed on board the barge by the stones.

Nothing in the recollection of the

present times was known like the effect of the fall of water from the sky, about three o'clock on Thursday last, in the metropolis. When the rain first descended, it so immediately froze on the warmest garments of the passengers, that several of the members, when they arrived at the house of commons, had great difficulty in getting the flaps of their hats thawed, or broken from their great coats. All umbrellas became instantly petrified, and the street ways became so perfectly glazed, that two gentlemen put on their skates at Hyde park corner, and skated beyond St. James's church.

A most distressing case of seduction lately occurred. The daughter of a respectable tradesman at a town in Surry, not far distant from London, a very pretty and accomplished girl, only in her fifteenth year, was permitted by her father to spend the Christmas holidays with a friend at Hampton Court, who had a niece about her own age. When one day walking in the cloisters of the palace, she was seen by an officer of a regiment quartered in that neighbourhood, more renowned for his conquests over female innocence, both here and in the sister kingdom, than for military achievement; he unfortunately saw and marked her as a victim for his libidinous desires, to accomplish which, he had recourse to the servant in the family where the young lady was, and, by bribing her, got an opportunity of speaking to the young lady, whose unsuspecting mind he so worked upon, as to induce her to consent to an elopement, which, with the assistance of a male pander of the captain's, was effected on the evening of the 12th inst. between nine and ten o'clock; and, notwithstanding

g the severity of the weather, the fugitives walked from Hampton Court to Hounslow, where they procured a post-chaise, and proceeded towards town. The young lady being very soon missed, her father was immediately sent for, who soon ascertained the cause of his daughter's flight, and, almost frantic with grief and rage, set out in search of her. At Hammer-smith, he learnt that the chaise had broken down there, but that they had procured another, which had conveyed them to Leicester-fields, where all trace was lost, the driver stating that he put them down in the street. The two following days the unhappy father, whose anguish of mind can be better imagined than described, was spent in fruitless search of his lost daughter, though assisted by Sayer, one of the officers of Bow-street, and they visited every house in that part of the town likely for them to resort to; and it was not until Tuesday night she was discovered with her paramour, at a private lodging near Temple-bar, by two of the Bow-street officers, who conveyed her to her father's house.

A young gentleman of the name of Stewart, who had lately arrived in town from the Highlands of Scotland, was, some evenings ago, robbed in the Green-park, of his watch and some silver, by a lady, supposed to be a man in female attire, in the following most singular manner:—As he was walking, about 9 o'clock, in St. James's park, on his way to Pimlico, where he lodged, he was familiarly accosted by a tall lady, elegantly dressed, and prevailed upon to accompany her through the Green-park, to her residence in Half Moon-street, Piccadilly, to partake of a comfortable supper; but

as soon as they had arrived at the west end of the reservoir, she made a sudden halt, and presenting a pistol to the gentleman's breast, she swore, that unless he placed his watch and all his money on the seat, he was a dead man. With the utmost dread and amazement he complied with her demand; and after she had laid up her plunder, she opened the door leading into Piccadilly, by means of a key, and on shutting the same behind her, warned him to beware in future of bad company, and wished him good night.

21. A fire was discovered, near the south-east angle of St. James's palace, soon after two this morning, and an alarm immediately given. Several engines very soon arrived; but a considerable time elapsed before a sufficient supply of water could be obtained. At length, the expedient of procuring it from the canal in St. James's park was resorted to, by placing engines at proper intervals, and forcing the water from one to another, through their pipes, in succession, from the canal, across the park and royal gardens, to the south side of the palace; but this supply was barely sufficient to keep the engines nearest the flames at work, and the supply from the pipes and pumps on the northern side was equally scanty. Under these circumstances, the exertions of the firemen and assistants were directed to cutting off the communication, and removing the furniture and articles of value from the fury of the flames to the gardens and courts of the palace. The flames attained a considerable height about four o'clock, and illuminated great part of the metropolis. The inhabitants of the palace were seen issuing in all directions, half naked; and every effort was made

made to save the furniture and effects. The tapestry of the grand drawing-room is damaged; the chandeliers, looking-glasses, silver plate, &c. are safe. Part of the royal armoury is destroyed; but the contents were, in a great degree, removed in due time. The following apartments are nearly destroyed; viz. 1. The king's private apartments.—2. The queen's ditto.—3. The duke of Cambridge's ditto.—4. Mrs. Moore's ditto.—5. Mr. Tucker's ditto.—6. Mr. Cock's ditto.—7. Mrs. Hunter's ditto.—8. The king and queen's footmen's ditto.—9. All the rooms under the colonnade on the south side of the great court-yard.—10. The roof over the eastern apartments in the great court-yard.—11. The king's back-stairs.—12. The friary.—13. Part of the German chapel. The whole of the duke of Cambridge's property, with the exception of some wine and liquors, were saved; it was taken into the garden adjoining the park, and, when the fire was got under, removed into the ball-room and grand council chamber. The fire, it is said, began in the apartments of miss Rice in the eastern wing. The servant-maid, the only person lost or injured, was found on Sunday morning, not burned, but apparently suffocated in the apartment. The prince of Wales, and the dukes of York, Kent, Cumberland, Sussex, and Cambridge, attended, and remained until a late hour, encouraging the firemen and others in their exertions to stop the progress of the flames. The expense of re-building and furnishing the wing of the palace destroyed by the fire is estimated at 100,000*l*.

In consequence of an address from the house of lords to his majesty, requiring an account to be

certified, to the governors of queen Anne's bounty, of the clear yearly value of all benefices under 150*l*. per annum, circular letters have been sent to the clergy of the dioceses, requesting the names of three clergymen and three laymen to be transmitted to the diocesan, who will act as commissioners for ascertaining the value of benefices under that amount.

LONDON GAZETTE EXTRAORDINARY.

Downing-street, Jan. 24.

The hon. capt. Hope arrived late last night with a dispatch from lieutenant-gen. sir David Baird to lord viscount Castlereagh, of which the following is a copy:

Ville de Paris, at sea, Jan. 18.

My lord,—By the much-lamented death of lieutenant-gen. sir John Moore, who fell in action with the enemy on the 16th instant, it has become my duty to acquaint your lordship, that the French army attacked the British troops, in the position they occupied in front of Corunna, at about two o'clock in the afternoon of that day. A severe wound, which compelled me to quit the field a short time previous to the fall of sir John Moore, obliges me to refer your lordship for the particulars of the action, which was long and obstinately contested, to the inclosed report of lieutenant-gen. Hope, who succeeded to the command of the army; and to whose ability and exertions, in direction of the ardent zeal and unconquerable valour of his majesty's troops, is to be attributed, under Providence, the success of the day, which terminated in the complete and entire repulse and defeat of the enemy at every point of attack. The hon. capt. Gordon, my aid-de-camp

camp, will have the honour of delivering this dispatch, and will be able to give your lordship any further information which may be required. Yours, &c.

D. BAIRD, lieut.-gen.

Audacious, off Corunna, Jan. 18.

Sir,—In compliance with the desire contained in your communication of yesterday, I avail myself of the first moment I have been able to command, to detail to you the occurrences of the action which took place in front of Corunna on the 16th instant. It will be in your recollection, that about one in the afternoon of that day the enemy, who had in the morning received reinforcements, and who had placed some guns in front of the right and left of his line, was observed to be moving troops towards his left flank, and forming various columns of attack at that extremity of the strong and commanding position, which, on the morning of the 15th, he had taken in our immediate front. This indication of his intention was immediately succeeded by the rapid and determined attack which he made upon your division, which occupied the right of our position. The events which occurred during that period of the action you are fully acquainted with. The first effort of the enemy was met by the commander of the forces, and by yourself, at the head of the 42d regiment, and the brigade under major-gen. lord William Bentinck. The village on your right became an object of obstinate contest. I lament to say, that, soon after the severe wound which deprived the army of your services, lieut.-gen. sir John Moore, who had just directed the most able disposition, fell by a cannon-shot. The troops, though not un-

acquainted with the irreparable loss they had sustained, were not dismayed; but, by the most determined bravery, not only repelled every attempt of the enemy to gain ground, but actually forced him to retire, although he had brought up fresh troops in support of those originally engaged. The enemy, finding himself foiled in every attempt to force the right of our position, endeavoured by numbers to turn it. A judicious and well-timed movement, which was made by major gen. Paget with the reserve, which corps had moved out of its cantonments to support the right of the army, by a vigorous attack defeated this intention. The major-general, having pushed forward the 95th (rifle corps), and 1st battalion 52d regiment, drove the enemy before him, and in his rapid and judicious advance threatened the left of the enemy's position. This circumstance, with the position of lieut.-gen. Fraser's division (calculated to give still further security to the right of the line), induced the enemy to relax his efforts in that quarter. They were, however, more forcibly directed towards the centre, where they were again successfully resisted by the brigade under major-gen. Manningham, forming the left of your division, and a part of that under major-gen. Leith, forming the right of the division under my orders. Upon the left, the enemy at first contented himself with an attack upon our piquets, which, however, in general, maintained their ground. Finding, however, his efforts unavailing on the right and centre, he seemed determined to render the attack upon the left more serious; and had succeeded in obtaining possession of the village through which the great road

to Madrid passes, and which was situated in front of that part of the line. From this post, however, he was soon expelled, with considerable loss, by a gallant attack of some companies of the 2d battalion 14th regiment, under lieutenant-col. Nicholls. Before five in the evening, we had not only successfully repelled every attack made upon the position, but had gained ground in almost all points, and occupied a more forward line than at the commencement of the action, whilst the enemy confined his operations to a cannonade, and the fire of his light troops, with a view to draw off his other corps. At six, the firing entirely ceased. The different brigades were re-assembled on the ground they occupied in the morning, and the piquets and advanced posts resumed their original stations. Notwithstanding the decided and marked superiority which at this moment the gallantry of the troops had given them over an enemy, who, from his numbers, and the commanding advantages of his position, no doubt expected an easy victory, I did not, on reviewing all circumstances, conceive that I should be warranted in departing from what I knew was the fixed and previous determination of the late commander of the forces, to withdraw the army on the evening of the 16th, for the purpose of embarkation; the previous arrangements for which had already been made by his order, and were, in fact, far advanced at the commencement of the action. The troops quitted their position about ten at night, with a degree of order that did them credit. The whole of the artillery that remained unembarked having been withdrawn, the troops followed in the order prescribed, and marched to

their respective points of embarkation in the town and neighbourhood of Corunna. The piquets remained at their posts until five of the morning of the 17th, when they were also withdrawn with similar orders, and without the enemy having discovered the movements. By the unremitting exertions of captains the hon. H. Curzon, Gosselin, Boys, Rainier, Serret, Hawkins, Digby, Carden, and Mackenzie, of the royal navy, who, in pursuance of the orders of admiral de Courcy, were intrusted with the service of embarking the army; and in consequence of the arrangements made by commissioner Bowen, captains Bowen and Shepherd, and the other agents for transports, the whole of the army were embarked with an expedition which has seldom been equalled. With the exception of the brigades under major-generals Hill and Beresford, who were destined to remain on shore until the movements of the enemy should become manifest, the whole was afloat before day-light. The brigade of major-gen. Beresford, which was alternately to form our rear-guard, occupied the land front of the town of Corunna; that under major-gen. Hill was stationed in reserve on the promontory in rear of the town. The enemy pushed his light troops towards the town soon after eight o'clock on the morning of the 17th, and shortly after occupied the heights of St. Lucia, which command the harbour. But, notwithstanding this circumstance, and the manifold defects of the place, there being no apprehension that the rear-guard could be forced, and the disposition of the Spaniards appearing to be good, the embarkation of major-gen. Hill's brigade was commenced and completed by three

ree in the afternoon. Major-gen. Eresford, with that zeal and ability which is so well known to yourself and the whole army, having fully explained, to the satisfaction of the Spanish governor, the nature of our movement, and having made every previous arrangement, withdrew his corps from the land front of the town soon after dark; and was, with all the wounded that had not been previously moved, embarked before one this morning. Circumstances forbid us to indulge the hope, that the victory, with which it has pleased Providence to crown the efforts of the army, can be attended with any very brilliant consequences to Great Britain. It clouded by the loss of one of her best soldiers---it has been achieved at the termination of a long and harassing service. The superior numbers and advantageous position of the enemy, not less than the actual situation of this army, did not admit of any advantage being reaped from success. It must be, however, to you, to the army, and to our country, the sweetest reflection, that the lustre of the British arms has been maintained, amongst many disadvantageous circumstances. The army which entered Spain, amidst the fairest prospects, had no sooner completed its junction, than, owing to the multiplied disasters that dispersed the native armies around us, it was left to its own resources. The advance of the British corps from the Duero afforded the best hope that the south of Spain might be relieved; but this generous effort to save the unfortunate people also afforded the enemy the opportunity of directing every effort of his numerous troops, and concentrating all his principal resources for the destruction of the only regular force in the

north of Spain. You are well aware with what diligence this system has been pursued. These circumstances produced the necessity of rapid and harassing marches, which diminished the numbers, exhausted the strength, and impaired the equipment of the army. Notwithstanding all these disadvantages, and those more immediately attached to a defensive position, which the imperious necessity of covering the harbour of Corunna for a time had rendered indispensable to assume, the native and undaunted valour of British troops was never more conspicuous, and must have exceeded whatever your own experience of that invaluable quality, so inherent in them, may have taught you to expect. When every one that had an opportunity seemed to vie in improving it, it is difficult for me, in making this report, to select particular instances for your approbation. The corps chiefly engaged were the brigades under major-generals lord William Bentinck, Manningham, and Leith; and the brigade of guards, under major-gen. Warde. To these officers, and the troops under their immediate orders, the greatest praise is due. Major-gen. Hill, and col. Catlin Crawford, with their brigades on the left of the position, ably supported their advanced posts. The brunt of the action fell upon the 4th, 42d, 50th, and 81st regiments, with parts of the brigade of guards, and the 28th regiment. From lieut.-col. Murray, quarter-master general, and the officers of the general staff, I received the most marked assistance. I had reason to regret that the illness of brigadier-gen. Clinton, adjutant-general, deprived me of his aid. I was indebted to brigadier-gen. Slade during the action,

for a zealous offer of his personal services, although the cavalry were embarked.---The greater part of the fleet having gone to sea yesterday evening, the whole being under weigh, and the corps in the embarkation necessarily much mixed on-board, it is impossible at present to lay before you a return of our casualties. I hope the loss in numbers is not so considerable as might have been expected. If I was obliged to form an estimate, I should say, that I believe it did not exceed in killed and wounded from 700 to 800: that of the enemy must remain unknown; but many circumstances induce me to rate it at nearly double the above number. We have some prisoners, but I have not been able to obtain an account of the number; it is not, however, considerable. Several officers of rank have fallen, or been wounded; among whom I am only at present enabled to state the names of lieutenant-col. Napier, 92d regiment, majors Napier and Stanhope, 50th regiment, killed. Lieutenant-col. Winch, 4th reg.; lieutenant-col. Maxwell, 26th reg.; lieutenant-col. Fane, 59th reg.; lieutenant-col. Griffiths, guards; majors Miller and Williams, 81st reg.; wounded.---To you, who are well acquainted with the excellent qualities of lieutenant-gen. sir John Moore, I need not expatiate on the loss the army and his country have sustained by his death. His fall has deprived me of a valuable friend, to whom long experience of his worth had sincerely attached me; but it is chiefly on public grounds that I must lament the blow. It will be the conversation of every one who loved or respected his manly character, that, after conducting the army through an arduous retreat with consummate firmness, he has

terminated a career of distinguished honour by a death that has given the enemy additional reason to respect the name of a British soldier. Like the immortal Wolfe, he is snatched from his country at an early period of a life spent in her service; like Wolfe, his last moments were gilded by the prospect of success, and cheered by the acclamation of victory; like Wolfe, also, his memory will for ever remain sacred in that country which he sincerely loved, and which he had so faithfully served. It remains for me only to express my hope, that you will speedily be restored to the service of your country, and to lament the unfortunate circumstance that removed you from your station in the field, and threw the momentary command into far less able hands.

I have the honour to be, &c.

JOHN HOPE, lieutenant-gen.

To lieutenant-gen. sir D. Baird, &c.

INUNDATION.

27. The sudden thaw has produced effects in the streets of the metropolis, and the roads in the neighbourhood, which have been scarcely paralleled at any former period. The water produced by the melting of a vast body of snow, has rendered some of the roads quite impassable, and the torrents which have thus been caused have done great damage. At Battle Bridge, Gray's Inn-lane Road, the water, on Wednesday, rushed into the houses, and the inhabitants were forced to fly to the upper stories for protection, the road could only be passed with great difficulty by carts. In the neighbourhood of Kennington and Vauxhall a torrent of water has arisen, which, in its progress, has carried away furniture, trunks of trees, cattle, &c. and

and has destroyed a great number of bridges---the Clapham road was rendered quite impassable ; several houses were on Wednesday completely insulated by the water, and the inhabitants unable to obtain provisions, or get out of their houses.

A considerable part of Deptford-bridge was also washed away by the torrents from the adjacent hills. Fortunately no person was hurt by the accident. The coaches on that road were under the necessity of coming to town by Lewisham, &c. The principal part of Chelsea was under water during Wednesday night, and on Thursday there was no passing but by boats and punts. The walls of several buildings were washed away. At Anderson's brewhouse, near the College, the horses and pigs were taken out for fear of being drowned. Although Sloane-street stands on high ground, the kitchens are all flooded. In many parts of this and other neighbourhoods near London, persons have been obliged to get in and out of their one pair of stairs windows.

The lower part of Bristol was inundated. The water exceeded four feet. The fresh in the river was so furious, that it drove two rows against the temporary wooden bridge, between Clare-street and St. Augustin's back, and forced it down.---At Bath, the flood rushed with such velocity as to threaten destruction to whatever impeded its progress. The inhabitants have been great sufferers. Houses, unable to withstand the torrent, fell, and buried their inmates under the ruins. Several have been drowned, and others lost their property. Timber to a great amount, cattle, horses, carts, &c. have been carried away. The

flood has been greater than known in the memory of man.---At Exeter, the shops were shut, being full of water, and the inhabitants obliged to betake themselves to their upper rooms.---In Thoverton, there was so sudden a swell, that one half of the house of Mr. Anthony, surgeon, was completely washed away.---On the 28th, as the Exeter mail was near Staines, the coach got into a part where the water was so deep that it floated, and the horses swam. The coach was suddenly thrown over, the coachman and guard thrown to a considerable distance ; and the passengers and the horses were got out, but the coach could not. The whole country round was covered from Chertsey to Maidenhead ; the towns running with water in torrents as high as the parlour windows. Numbers of the poor have lost their all, which has been carried away in the streams. The lower part of Egham was impassable. It is a remarkable circumstance, that while the Ravensburne rose to such a height as to carry away part of the bridges at Lewisham and Deptford, the Wandle river, which has its source within 100 yards of the Ravensburne, did not overflow its banks. The Addiscombe brook, which runs into the Wandle below Merton, rose ten feet perpendicular height, and laid Tooting under water.

31. A shocking accident happened at Stockwith, near Gainsborough. A boat, with ten men on-board, who had been for amusement into the marshes adjoining the river Trent (and which were overflowed by the breaking of the Trent banks), by bad management on their return was upset in the river ; and two young men, named John Helifield (a shoemaker) and

James Brooke (a gentleman's servant), both of Stockwith, were drowned.

A family of nine persons, named Smith, were drowned on the Cornwall coast, in consequence of the incursions of the sea, which entirely swept away their dwellings in the night.

The quantity of rain which fell during last year at Dalkeith palace was 27,995 inches; at Bothwell castle, 24,598; and at Glasgow, 21,795.

FEBRUARY.

1. Part of the cliff between Folkstone and Stangate, to the extent of 300 feet in length and 40 in depth, has fallen; and other parts of it are giving way.

4. Early this morning the body of Mr. G. Johnston was found murdered in the Kent road.

A new tariff has been agreed on at Rio de Janeiro, which reduces the valuation on which British manufactured goods paid duty in the ports of Brazil. A warehousing, on a similar plan to our own, is in contemplation, with various other regulations calculated in every respect for placing the future commercial intercourse with that country on the most liberal and respectable footing.

In some parts of Wiltshire, the flocks of different species of wild geese, in consequence of the hard weather, have been very numerous, and have done incredible mischief to the young corn. Some of the fields were literally covered with them, and it was with difficulty they could be cleared.

7. An inquisition was held at the Five Bells, New Cross, on the remains of Mr. G. Johnston, whose murdered body was found in a ditch on the preceding Saturday.

The following are the particulars, as they appeared in evidence :--- The deceased was about 40 years of age, and had been first lieutenant of the *Alkmaar*, 50, and was afterwards first lieutenant of the *Standard*, 64.---Whilst he belonged to the latter vessel, he was afflicted with a severe fit of illness, by which he lost his ship. Upon his recovery, however, he was appointed to the same rank on board the *Eyderen* sloop, capt. Pengelly. On Friday, the 3d inst. he dined with Mr. Willatts, of Brewer-street, Golden-square; and after taking leave of some other friends, set out to join his ship at the Great Nore; but finding the night far advanced, he applied for lodging at different places in Kent-street and Kent-road, but to no effect. There was nothing further heard about him until the following morning, when his body was found, barbarously murdered, on the Kent-road. T. Hamilton, of Kent-street, labourer, was going from his house, to Dartford, on Saturday morning; at half after three, as he walked near Five-Bells Row, he saw something lying on the ground, close to capt. Harcastle's gate, which he discovered to be the body; a man directly jumped over the railing, and said to witness, "What do you want there? If you don't go about your business, I'll serve you the same." The witness being alarmed, bid the man good morning, and walked on. Mr. Blanchard, of Peckham, surgeon, described the wounds that had been inflicted on the deceased; he had received about ten in the face, six on the left hand, by one of which the thumb was nearly severed from the hand, as if the deceased had, in the course of a vigorous resistance, grasped at some sharp instrument,

trument, which was dragged through his hand; there were several incisions, by a pointed instrument, in the neck and neckcloth; one in particular, of a triangular shape; two desperate wounds on the back of the head, by which the pericranium was broken; there was one wound in a diagonal direction on the neck, by which the great carotid artery was separated, as if by a blunt-edged instrument; either of the three last-mentioned wounds would have been sufficient to have occasioned death. Mr. Dyke, the landlord of the house where the inquest was held, John Clyburn, and others, proved the finding of the body. Verdict—Wilful murder by some person or persons unknown.

FLOODING OF THE FENS.

12. It is estimated that the inundation has extended more than 15 miles in length, and that above 150,000 acres of land are completely flooded. The injury to individuals is almost incalculable, as the quantity of stock kept on these fens is far greater than on the uplands; numbers of sheep have been lost, and the difficulty of finding food for those preserved is such, that many persons have been compelled to sell them at a certain loss, particularly as it is so near yeaning time. Should the water not be drained off before seed-time, the loss to the occupiers throughout the several districts of the fens will be little short of a million of money. Many persons removed their stacks of oats from the lands on to the embankment; but their labours proved ineffectual, as the late high winds completely dispersed them. Mr. Little, an opulent farmer of Welch's Dam, fortunately saved 700 sheep, by driving them out of

the fen to uplands, not above an hour before the bank gulled.

14. A remarkable occurrence took place on-board the Warren Hastings, moored at the Mother-bank. The morning being fine, it was deemed necessary to get up the top-gallant-masts. About three in the afternoon, the atmosphere to the westward indicated a violent storm; several sailors were sent aloft to strike the top-gallant-masts; but, when lowering them, the wind blew tremendously, and the rain fell in torrents, accompanied by heavy claps of thunder. Three distinct balls of fire were emitted from the heavens; one fell into the main-top-mast cross-trees, killed a man on the spot, and set the main-mast on fire, which continued in a blaze for five minutes. A few hands ran up the shrouds to bring down their dead companion, when the second ball struck one of them, and he fell upon the guard-iron in the top, from which he bounded off into the cross-jack braces. His arm was much shattered and burnt, and it was expected he must undergo amputation. The third ball came in contact with a Chinese, killed him, and wounded the main-mast in several places: the force of the air, from the velocity of the ball, knocked down Mr. Lucas, the chief mate, who fell below, but was not much hurt. For some time after, a sulphureous smell continued.

18. At a late common council, a report was brought up which stated the following facts. These will account for the manner in which the immense income of the city is spent.

“That the annual expenses of the committee of city lands and bridge-house estates, chiefly in tavern bills, had increased, within

the last fourteen years, from 1164*l.* 4*s.* 6*d.* to the enormous amount of 3318*l.* 8*s.* 1*d.* per annum.

“That the expenses of the general purpose committee had increased in the same period, from 342*l.* 14*s.* 8*d.* to 1200*l.* per annum.

“That those of the navigation committee, in seven years, had risen from between 600*l.* and 700*l.* to 1321*l.* 13*s.* 9*d.* per annum, and other committees in proportion. In four committees only, the annual expenses amount to about 7000*l.* per annum, chiefly for tavern bills, and summer excursions.”

COURT OF KING'S BENCH.

The King v. Smith, Esq.

20. This was an indictment against major Smith, for challenging lord Ranelagh to fight a duel. It appeared that his lordship, on the 21st of August last, was riding through the King's-road, near Fulham, with his groom behind him, when the defendant overtook them in his gig, and striking the groom's horse, d—d him for a rascal, and bade him get out of the way. Lord Ranelagh rode after major Smith, and demanded of him a reason for striking his groom. Major Smith said his lordship was a liar and a rascal for saying he had struck him. Lord Ranelagh then demanded his name; when major Smith asked him if he took him for a cockney on a Sunday excursion. Major Smith added, “Know, sir, that I am a gentleman, and an officer on duty.” Lord Ranelagh said, his conduct was neither that of a gentleman nor an officer, and again insisted upon knowing his name. Major Smith repeated the words “liar and rascal;” upon which the prosecutor said, “You are speaking, sir, to lord Ranelagh.”

Lord Ellenborough, in summing

up the case to the jury, made some very just observations upon the very strange conduct of the defendant, who, he said, was right in thinking that he ought not to be mistaken for a cockney riding for a Sunday's airing. The good citizens of London, upon such occasions, comport themselves with propriety and decorum, and did not violate the peace by insulting and beating the rest of his majesty's subjects.

The jury found the defendant Guilty.

Goodes v. Wheatley, Esq.

21. This was an action for assault and false imprisonment, in which the plaintiff had been nonsuited on a former occasion, on account of a flaw in the declaration. The plaintiff is a constable of the parish of St. Martin's, and the defendant a lieutenant-colonel in the guards. The assault and false imprisonment were proved by the following witnesses:—

— Pubison, a brother-constable of the plaintiff's, was with the plaintiff on duty at St. James's Palace on the king's birth-day, 1807. He saw three gentlemen, one of whom was identified to be the plaintiff, standing in the gateway, and occupying nearly a third of it. They were not in regimentals: he, whom the witness supposed to be the defendant, was dressed in a blue coat, leather breeches, and whole boots, and there was nothing about him to denote his military character. The plaintiff had not spoken to the defendant five minutes, before the witness heard the defendant say, “Take this fellow to the guard-room.” The witness then went up with his staff, and asked what the plaintiff had done; upon which the defendant said, “Don't ask any impertinent questions, or I'll send you there

there too." The witness then told the high constable what had happened. The plaintiff was taken away by two soldiers, one of whom said he received orders from an officer in regimentals, to take him to the guard-room, and confine him by order of the commanding officer.

The attorney-general spoke in mitigation of damages; and lord Ellenborough, in summing up the evidence, commented upon the impropriety of the defendant's conduct, in being out of regimentals upon such an occasion.—Verdict for the plaintiff, damages 60%.

The King v. Beaumont.

23. This was an information, filed *ex officio* by his majesty's attorney-general, against the defendant, for a libel. The libel was published in the form of a letter addressed to his majesty, and signed "An Englishman." The jury found the defendant Guilty.

The King v. Horseman.

This was an information for a libel upon the duke of Sussex, published in a large hand-bill, lately placarded about the town, in which "twenty guineas reward" and "the duke of Sussex" being printed in large letters, struck the view of the passengers. When the hand-bill was read through, it purported to state, that whereas an anonymous hand-bill, signed a Yorkshireman, had been stuck up about town, twenty guineas reward would be given to any person who would prove the duke of Sussex not to be the author of it. Mr. Horseman then went on to add, that he would shortly publish the Englishman's letter to the King, in which he would examine a little into the morals of the royal dukes.

Mr. Adolphus, for the defend-

ant, argued this was no libel against the duke of Sussex, as it did not charge him with any offence of a criminal nature.

Lord Ellenborough told the jury, that whatever held a man up to ridicule and contempt was a libel. Let them strike out the name of the duke of Sussex, and put in any one of their own, and then ask themselves whether such a bill placarded about the streets was not making a man contemptible? — The jury found the defendant Guilty.

Furnell v. Hall.

This was an action to recover back from the parish officers of St. James, Westminster, the sum of forty pounds, paid by the plaintiff, who is a tallow-chandler in Carnaby-street, as a full indemnity to the parish for the care and maintenance of a bastard child, sworn to him by a female named Sarah Bass. It so happened that the infant died soon after its birth, and the parish had been put to no more than 4*l.* expense: the action was therefore to get back the 40*l.*, deducting the 4*l.* which it had been recently ruled the parish were not entitled to keep. Lord Ellenborough concurred in the propriety of the action, and in the law laid down, and the plaintiff obtained a verdict.

CONFLAGRATION OF DRURY-LANE
THEATRE.

24. About a quarter past eleven at night, an appearance of a fire was perceived at a window on the second story, facing Brydges-street, and it continued some time without exciting any apprehension or suspicion. In less than a quarter of an hour it spread into one unbroken flame over the whole of the immense pile extending from Brydges-street to Drury-lane; so that the pillar of fire was not less than 450 feet

feet in length. It is impossible for the mind to conceive any thing more magnificent than the spectacle, if the idea of horror or ruin which it brought on the sufferers could have been separated from the sublimity of the object. In about thirty minutes after its commencement, the Apollo, round which the flames had been playing some time, fell into the pit, and soon after the rafters of the roof fell. The reservoir of water on the top, which our readers will recollect formed, with the iron curtain, the topic of reliance for security in the prologue with which the new theatre was opened, was empty. Any attempt to go near the flames was totally impracticable. Mr. Kent, a literary gentleman, was the first to discover the flames: he hurried to the door, and gave the alarm. Mr. Powell, the prompter, and Mr. Johnson, the mechanist, with the two watchmen, and Mr. Kent, were the only persons present; for, being a Friday in Lent, there had been no play nor rehearsal. They ascertained that the fire broke out in the hall, under the lobby at the Brydges-street entry, which has been shut up this season, and where some plumbers had been at work. It was, when Mr. Kent broke in, confined to that spot; and they made an ineffectual attempt to get out the theatre engine, and play on it; but in ten or twelve minutes it ran up the front boxes, and spread like kindled flax. This may be accounted for from the body of air which so large a hollow afforded, and also from the circumstance of the whole being a wooden case. Our readers will recollect that this immense pile was constructed of timber, and that the frame stood for many months, exhibiting a very fine carcase of carpenter's work, before the ribs were filled in with bricks: timber was then

under 3 $\frac{1}{2}$ per load, and the architect thought that this wooden frame would contribute to the propagation of sound. It did not, perhaps, perfectly succeed in this respect; but it certainly contributed to the conflagration. Finding it impossible to prevent the destruction of the building, the gentleman saved the books from the room called the Treasury. The only other article saved was a bureau, in Mrs. Jordan's room. Mr. Kent broke the pannels of the door, and brought out the bureau. All further endeavours were rendered impossible, by the excess of heat. About a quarter before twelve, a body of horse-guards, foot-guards, and volunteers, came to the place, and engines reached the spot from every quarter—but they could do nothing. Part of the wall next to Vinegar-yard fell down, and the house of Mrs. Mac Beath, the fruiterer, caught fire. The night was uncommonly fine, and the body of flame spread such a mass of light over the metropolis, that every surrounding object glittered with the brightness of gold.

Mr. Sheridan was in the house of commons assisting in the important discussion on Mr. Ponsonby's motion. The house was illuminated by the blaze of light, and the interest universally taken in the circumstance interrupted the debate. A motion was made to adjourn; but Mr. Sheridan said, with great calmness, "that whatever might be the extent of his private calamity, he hoped it would not interfere with the public business of the country." He then left the house, and the discussion proceeded. Many of his friends accompanied him to the scene, but it was too late for any effort to be made; and all that the engines could effect was to save the houses in Vinegar-

gar-yard and Russel-street, the roofs of which had caught fire, from being burnt down. Mrs. Mac Beath's suffered most.

About half past twelve, part of the outward walls, both in Russell-street and Vinegar-yard, fell down, and completely blocked up the passage, but fortunately no lives were lost. The several outer walls fell successively. At two o'clock no other parts remained than a fine fragment of the western front, and a less striking part of the eastern end. Happily the wall on each side fell inwards, and thus the apprehended spreading of the fire was impeded. Before three o'clock the flames had greatly subsided, and we believe no fear was then entertained that they would spread further.

The evil to the performers is most serious. They have lost every thing, and in one day several hundred persons are thrown out of bread. There is no place in town to which they can have resort as a temporary theatre, unless they were to divide themselves into several parties, and act at the minor theatres, in the Lyceum, Catharine-street, the Royalty, &c.

The spectacle of real desolation which the structure afforded, when contemplated from Blackfriars-bridge at 12 o'clock, far surpassed in magnificence any of the mimic representations which were ever viewed within its walls. The shell of the building was then entire, and the upper range of windows and the balustrade above, forming the whole length of the edifice, being raised above all the adjoining buildings, and thrown into strong relief by the flame, resembled the ancient aqueducts which are still remaining in the south of Europe. From the frame of the edifice arose a broad sheet of flame; no wind stirred to

break the symmetry of its ascent, so that it terminated in a "fiery pyramid." This vast splendid body threw an interesting light on the surrounding objects. The Thames and St. Paul's were rendered unusually beautiful. Thus the effect was rather that of an elaborate work of art than of a fatal casualty, to be lamented by all the arts. In reflecting on this awful catastrophe, we must be allowed to observe, that no warning, no additional care, seems to have been adopted at Drury-lane, in consequence of the destruction of the sister theatre. We hope this misfortune will prove effectual for that purpose.

FURTHER PARTICULARS.

The fire began in what was called the Chinese lobby, that is, the lobby underneath the grand lobby which faces Brydges-street. This Chinese lobby was the second entrance going into the theatre from Brydges-street: it was usually but ill lighted, and from it ascended two stair-cases to the main passages and lobbies level with the back of the front boxes. According to the original plan of the theatre, this Chinese lobby was intended to be surrounded with shops, for the sale of various articles, such as gloves, fruits, &c. during the performance. The shops had actually been made since the opening of the theatre, but they remained shut up with shutters, never having been finished or opened for actual use. This lobby, from the beginning, was a favourite toy of Mr. Sheridan, who, at the commencement of the theatre, and often since, has been heard to boast what a pretty thing it would be when finished and opened in complete style.—To accomplish it had only been determined this season, during the whole of which the entrance to the

the theatre from Brydges-street has been shut up, that the lobby and the shops in it might be finished and opened. It was nearly ready, the varnishers were at work rather late on Friday night, and from negligence the fire happened. How it happened is not exactly known, but it is known that the varnish caught fire, and that almost instantly the whole theatre was in a blaze.

When the fire was first discovered in the interior of the theatre, several attempts were made to extinguish it; but it had completely identified itself with the wood, and in less than five minutes after the entrance of Mr. Johnson, the mechanist, the boxes, pit, and stage, were covered with fire and smoke.

It is due to the exertions of the firemen belonging to the different offices, to observe, that they worked the engines with incessant labour and great judgement. All their efforts were, however, in vain; and it was found totally impossible to preserve a single vestige of the interior of the house. The multitude assembled on the occasion amounted to at least a hundred thousand souls.

The flames were visible to a considerable extent, from the commanding situation of the theatre, and of course attracted crowds in every direction. Russell-street, Drury-lane, Catharine-street, Brydges-street, Charles-street, Bow-street, Tavistock-street, Long-acre, and Covent-garden, were absolutely filled with spectators. Such was the force of the conflagration, that its heat was strongly felt at the church in Covent-garden.

When the leaden cistern fell in, it produced a shock like an earthquake, and the burning matter forced up into the air resembled a

shower of rockets and other artificial fireworks.

COURT OF KING'S BENCH.

Benjamin v. Miles.

28. This was an action to recover compensation for an assault. The defendant was captain of a West-Indiaman, and the plaintiff and family passengers on board the same ship. What cause of discontent existed between the parties previous to the quarrel which led to the present action did not appear in evidence. But on the night of the assault in question, the cabin-boy was the only witness present. He stated that Mrs. Benjamin wished to give her child some of the liquor, which the captain objected to. She said she had nothing else to give it. The captain said it was his rum, and she should have none of it. She said, she dared to say the captain would be paid for all he furnished to them; to which he answered, he did not know that. During this period of the altercation, the plaintiff, Mr. Benjamin, came into the cabin. He asked captain Miles what he meant by this conduct, saying, "I can never go out of the cabin but you are always quarrelling with Mrs. Benjamin." The captain immediately began abusing him, and pulling him by the nose. Benjamin said this was not usage to be borne, and asked the defendant why he did not take his pistols and fight it out like a man. The captain, upon this, did get his pistols; but instead of using them in the usual way, he rubbed them against Benjamin's nose, and beat him over the head with the butts of them. Afterwards Benjamin went upon deck with a view to hail the commodore; but the captain followed, threw him down, and again beat him.

Mr. serjeant Pell addressed the jury

jury for the defendant, but called no witness.

Lord Ellenborough observed to the jury, that from the evidence of the boy, this appeared a most wanton and aggravated assault, and there was no attempt to shake the credit due to the boy's testimony.—Verdict for plaintiff, damages 150*l*.

MARCH.

General recapitulation of the losses sustained by the French armies since the time they entered Portugal and Spain. [The calculation rests on known public data; and whoever will take the trouble to examine them, will find that the number is rather lessened than exaggerated.]

First campaign—Carried off by diseases in Madrid, Burgos, Biscay, Navarre, &c. 11,000.—In Catalonia, 8,000.—In Saragossa they lost in various actions, and during the first siege, 10,000.—In Valencia, and La Mancha, 8,000.—Killed and taken prisoners in Andalusia, including the French squadron at Cadiz, 30,000.—Hanged, deserted, and destroyed, by the fury of the people and private individuals, 11,000.—Killed by the English in Portugal, and carried off by disease, 8,000.—Killed in the different actions in Old Castile, 6,000.

Second campaign.—Lost in several actions with the army of the centre, including that of Lerin, 3,000.—On the 23d November, in Tudela, 6,000.—During the long siege of Saragossa, and in various actions with the Arragonese, including deserters, 17,000.—In the different actions in Catalonia, 10,000.—Killed and wounded by Blake's army in Biscay, and in the mountains of St. Andero, 10,000.—Killed and wounded in Burgos, by the army of Estremadura, 1,000.—In

Sepulveda, Somosierra, and Madrid, 7,000.—In Estremadura, in the action of Velez, and in several engagements in La Mancha, 4,000.—Lost on their march from Madrid to Corunna, including the actions with the English in Castile and Galicia, 10,000.—Carried off by the disease and the dagger in their different armies, 70,000.—Total, 163,000.—*Gent. Mag.*

FATAL DUEL.

1. About nine o'clock a meeting took place at Chalk Farm, between lord Falkland, a captain in the navy, and — Powell, esq. of Devonshire-place. They were attended, the former by Mr. Bloodworth, and the latter by his brother-in-law, captain Cotton, of the navy. The distance of ten paces being stepped, and the pistols being loaded by the seconds, the parties took their ground; when, by etiquette, Mr. Powell being entitled to the first shot, his ball entered the right groin of lord Falkland, and lodged in the kidneys, from whence it could not be extracted.

The cause of this duel arose, as it is said, from a misunderstanding that took place the night before at Stevens's hotel, in Bond-street, from lord Falkland's addressing Mr. Powell by the familiar appellation of *Pogey*; on which the latter expressed much displeasure, remarking, "that he had not the honour of being sufficiently acquainted with him, to entitle his lordship to take so great a liberty." This drew from lord F. a sarcastic reply, accompanied by some threats; on which Mr. P. rejoined, that "he had that in his hand (meaning his stick) which would defend him against any menace, even from a lord." Lord F. on the instant snatched a cane from some gentleman in the room, and, as it is reported,

ported, struck Mr. P. many severe blows with it. The consequence was a challenge from the latter, which produced the melancholy catastrophe above stated.

Mr. Powell has always been esteemed as one of the best-tempered and most inoffensive men that exist. After the duel, lord Falkland was conveyed to the house of Mr. Powell, in Devonshire-place, in the latter gentleman's carriage. Lady Falkland was kept ignorant of this calamitous event for some hours, from no friend having sufficient fortitude to impart to her the melancholy event. About seven o'clock the same evening, however, she received some information respecting it, and proceeded with her children to Devonshire-place.

Another account states, that lord Falkland and Mr. Powell were in habits of the most confidential intimacy. On Friday se'nnight they met in a party at dinner with a mutual friend. A discussion arose respecting the properties and perfection of a peculiar description of Burgundy; and his lordship and Mr. Powell taking different sides of the question, some trifling altercation took place, but which was speedily drowned in the conciliating juice of the grape. The company then adjourned to the whist table, and in the course of play lord Falkland and Mr. Powell were frequently partners: and, when adverse, made amicable bets upon the game: or rubber. When the party broke up, Lord Falkland and Mr. Powell went arm in arm to Stevens's hotel, Bond-street, where they supped, and afterwards drank *Madeira negus*. The waiters at Stevens's, during supper, in the course of conversation, repeatedly heard the interchange of mutual and amicable civility; but shortly the har-

mony of the coffee-room was disturbed by lord Falkland rising under the impulse of a very violent passion, and exclaiming, "Powell, you're a damn'd lying rascal!" Under this accusation, Mr. Powell did what every man of spirit must do; but his lordship being the stronger man, and initiated into the manœuvres of *pugilistic science*, Mr. Powell received many severe blows, and was repeatedly kicked by lord Falkland whilst on the floor. Considering the etiquette of society, there was no other appeal than to the field of honour. The interference of friends completely failed, and the consequence was as stated.

His lordship succeeded to his title a few years ago, on the death of his brother. He manifested great gallantry in his profession on several occasions, and had acquired a considerable fortune by captures. In consequence of some convivial excesses on board his vessel, he was dismissed the service a year or two ago, but was recently restored, and would doubtless have signalized himself in the cause of his country, had not this unhappy event occurred. He was about 40 years of age.

Lord Falkland, after he was conveyed to Devonshire-place, on hearing the surgeons' opinion on his wound, said (with a faltering voice, and as intelligibly as the agonized state of his body and mind would permit), "I acquit Mr. Powell of all blame in this transaction; I alone am culpable." After the lapse of some hours, he desired to see Mr. Heaviside: that gentleman was in attendance. Lord Falkland then expressed a wish to have the ball extracted. M. H. said it was impossible, without the operation causing almost instant death. "You may live three or four hours afterwards, but no more," continued

ned Mr. Heaviside. His lordship then said, he would first settle his worldly affairs, by making his will; this was done at a late hour. On the night of Tuesday he asked Mr. H. "How long he might probably survive if the operation was not performed?" "I have known cases," replied Mr. H.) wherein the sufferer has lived forty hours." After a long pause, his lordship fixed upon one o'clock on Wednesday afternoon for the operation to be performed. The operation was not performed, in consequence of his lordship being on the whole much easier; the pain had considerably abated. During the afterpart of the day, he had a relapse, and towards the night he became delirious; he was not expected to survive during the night. About eleven o'clock a consultation was held, which was attended by Messrs. Heaviside, Cline, Hume, Abernethy, &c.

In the evening of Wednesday, his lordship complained of feeling the cold in his extremities in a great degree; by his desire he was repeatedly taken out of bed, for the purpose of being warmed. Fomentations were continually resorted to, but without effect, and about two o'clock on Thursday morning his lordship breathed his last.

ASSAULT AND FALSE IMPRISONMENT.

Dunn v. Lewis.

2. This was an action brought by Hannah Dunn, a maid-servant, against Mr. Lewis, a truss- and comb-maker on Ludgate-hill, to recover a compensation for an assault and false imprisonment.

The plaintiff, a servant girl, was passing with her mistress through Ludgate-hill, during the slippery weather of the 24th of December last, and happened to fall against

the defendant's shop window, and broke a pane of its glass. She hurt herself considerably by the fall, and broke some crockery ware, which, with other things, she was carrying in a basket. Both she and her mistress went into the defendant's shop, where the mistress offered to send a glazier on the Monday following (this was on Saturday evening) to mend the window, leaving in the mean time the basket, which contained goods of much greater value than the pane of glass. The defendant insisted upon either having 4s. 6d. immediately for the payment of the window, or sending the plaintiff to the Compter; and a constable of the name of Kimber looking in at the time, to the Compter she was sent, the defendant always having in his possession the basket. On her way to the Compter, the plaintiff met her master, who having no small money to pay for the window, offered his watch till he could redeem it; and the constable actually suffered a collection to be made from the bystanders of 2s. to pay for the window. The plaintiff was then carried back to the defendant's, who still persisted in sending her to prison, if he had not the 4s. 6d. paid down. This the plaintiff's master had not to pay, and the plaintiff was sent to the Poultry Compter, and confined there till nine o'clock at night, among prostitutes and pickpockets, when she was bailed by the humanity of the gaoler. On Monday morning she re-appeared, and was brought before Mr. alderman Boydell, who reprimanded the defendant severely, and advised the present action.

The pretended defence was, that the plaintiff's mistress had abused and struck the defendant (but one of the defendant's witnesses who was present, did not see this); that the plaintiff's

plaintiff's mistress would not give her address (but it was proved that the plaintiff had mentioned it); and that the defendant had sent 2s. 6d. to the prison for the plaintiff's accommodation till Monday morning.

Lord Ellenborough reprobated very severely the tyrannic conduct of the defendant, and his unjustifiable commitment of the plaintiff for a civil injury, of which the basket in the defendant's possession was at all times a reparation; much more the commitment of an innocent person for the assault of a guilty one; and the assault by the plaintiff's mistress, in the present case, was not proved; for, from the partiality to the defendant of the constable's evidence, his lordship did not think his swearing to the assault worthy of credit. From this circumstance, and his unwarranted commitment of the plaintiff, when it was the plaintiff's mistress whom he swore to have broken the peace, his lordship recommended to Mr. Common-Serjeant that he should be discharged from his office.—Verdict for the plaintiff, damages 150l.

2. This evening, between seven and eight o'clock, a fire broke out in the dwelling-house of Mr. Chalmers, near the church at Walthamstow. The flames raged with great violence; and in a short time the house was burnt down. Fortunately the children were all below stairs, and were safely taken to a neighbouring house. Whether this accident was owing to a spark flying from the fire on some linen which was airing, or whether the window-curtain caught fire from a candle carried near it, is uncertain.—It has been suggested to us, that it might be of use in nurseries, and other rooms where little children sleep, to

be provided with strong sacks, about three feet and a half in depth, and one and a half in diameter, kept open at the top with a wooden hoop having a long rope tied to it. These are to be used for letting the children down from the window, in cases where the passage down the stairs is obstructed by the flames, as it would be a much safer method, than attempting to bring them down a rope-ladder.

A few evenings since Kensington Palace was discovered to be on fire, occasioned by the flue communicating to some timber, that led to the Princess of Wales's apartments; but it being timely discovered, and a number of carpenters being at work in the palace, by cutting away some wood-work it was happily prevented from spreading.

FIRE AT CHRIST CHURCH, OXFORD.

3. A fire was discovered, about a quarter before 12 this night, in the apartments of Mr. Brown (a student of Christ Church, son of Edward Brown, esq. of Stamford), supposed to have been occasioned by some sparks communicating to a beam which ran across the chimney. The conflagration was most alarming; and the rapidity with which it spread may be easily conceived, when the amazing quantity of wood-work which this immense pile contains is remembered. Although the alarm was immediately given, the flames for a long time resisted the united efforts of the engines of Christ Church, of the different colleges, and of the city; consuming the greater part of the south-west angle, and threatening with destruction that magnificent structure the Hall. Fortunately, however, the night was calm, and there was a plentiful supply of water, or this splendid room

room must inevitably have fallen. The apartments destroyed are those of Dr. White, regius professor of Hebrew, of Messrs. Brown, James senior, Kiough, and Meyler. Those of Lord Apsley, Messrs. Cleaver, Melt, James junior, Glasse, Roe, Luxton, and Finch, are partially injured. The loss is estimated at £2,000. The exertions of the gentlemen of the university, as well as the inhabitants, were very great; owing to which the fire was got under before seven o'clock in the morning. Only one accident occurred; which was to Mr. Smyth of Oriel, who dislocated his knee in an attempt to force open a door, and whose activity and exertions, previous to this circumstance, were conspicuous in the highest degree. Part only of Dr. White's very valuable books and MSS. have been saved.

Another fire broke out at Lee-erm (Mr. Hodgkins), 16 miles from Oxford. It began in a hen-roost, in a spacious farm-yard, and communicated to the stables, over which a man and a boy were sleeping, and who were burnt. Above 10 head of cattle were destroyed, together with several ricks of corn and hay; but the dwelling-house was preserved.

CORONER'S INQUEST.

4. A coroner's inquest was held before G. Hodgson, esq. one of the coroners for the county of Middlesex, at the house of Mr. Powell, in Devonshire-place, on the body of Lord viscount Falkland.—There was no testimony adduced before the jury, relative to the quarrel which terminated so fatally, nor were any persons forthcoming who were present at the melancholy scene. Consequently, after mature deliberation on the scanty evidence before them, the jury returned a

verdict of Wilful Murder against some person or persons unknown.

11. A singular instance of the instability of human grandeur, was stated in a speech by Mr. Whitbread. The identical service of plate which Mrs. Clarke purchased from Birkett, the pawn-broker, originally belonged to a prince of the unfortunate family of Bourbon. What a memento must it have been to the duke of York, to trace the household plate, with the arms of the royal family of Bourbon, to the shop of a pawnbroker, and afterwards to Mrs. Clarke's! Trace the history of France, (says Mr. Whitbread,) from the luxurious days of the La Vallieres and Montespons, down to those of the Pompadours and De Barres, and you would see the destruction and overthrow of the monarchy, which drove the illustrious branches of the Bourbon family into foreign exile, originating in private vice, and finally completed by the deceitful and unbounded extravagance of those intrusted with public confidence and official situation. One cannot help thinking, said the honourable gentleman, that the circumstance of the duke de Berri's plate having been disposed of this way, and then coming into the possession of the duke of York, must have occasioned some sensations in the bosom of his royal highness which could not fail to rouse his feelings for the fate of that unfortunate family, and which would cause him inwardly to ejaculate—"I thank God for the warning which this magnificent monument of the instability of greatness holds up to my view, and I will use it as a beacon to guard against the danger of those rocks on which others, once as great and powerful as I am now, have been so unexpectedly wrecked and ruined."

We copy the following curious article from the Morning Chronicle:

A BOOK!—A BOOK!

The following advertisement appeared lately in a ministerial paper:—

“A book.—Any person having in their possession a copy of a certain book, printed by Mr. Edwards, in 1807, but never published, with W. Lindsell’s name as the seller of the same on the title-page, and will bring it to W. Lindsell, bookseller, Wimpole-street, will receive a handsome gratuity.”

This is a very singular affair. We have reason to believe that it has reference to a certain examination before three lords of his majesty’s cabinet council, which, at the time, excited the highest degree of public interest. A right honourable gentleman, for purposes which we do not presume to analyse, procured this evidence to be printed with great secrecy—and a number of copies were struck off, but not published. This matter was not conducted with all the concealment that was affected; for certainly many persons at the time either saw the curious performance, or pretended to have seen it—and several curious anecdotes were freely quoted from the work. The object which the editor of the examinations had in view, however, was served: he became one of his majesty’s ministers, and it was declared that the publication was not only suppressed, but the whole edition burnt.

On occasions like these, the instruments of a clandestine proceeding are likely to imbibe the spirit of their employers. Some time ago a copy of this book was found to be still in existence. The right honourable gentleman forgot that the printer, by the act, is bound to preserve a copy; and a negotiation was entered into for the purchase of this so-

litary remnant of scandal. It was bought up, at an enormous price. No sooner was this done, however, than another copy appeared. It was offered to a bookseller for 3 or 400*l.*; and then it struck the original editor that several copies had been retained, and that they must be bought up, or no benefit was to be obtained by his first purchase. The above advertisement is a search after the stray copies! What must be the reflections of this minister of the king on the subject at this day!

REMARKABLE FUNERAL.

19. The remains of Hugh Hewson, who died at the advanced age of eighty-five, was interred in the burial-ground of St. Martin’s-in-the-fields. The deceased was a man of much celebrity, though no funeral escutcheons adorned his hearse or heir expectant graced his obsequies. He was no less a personage than the identical Hugh Strap, whom Dr. Smollet has rendered so conspicuously interesting in his *Life and Adventures of Roderick Random* and for upwards of forty years had kept a hair-dresser’s shop in the above parish. The deceased was a very intelligent man, and took delight in recounting the adventures of his early life. He spoke with pleasure of the time he passed in the service of the doctor; and it was his pride, as well as boast, to say that he had been educated in the same seminary with so learned and distinguished a character. His shop was hung round with Latin quotations, and he would frequently point out to his customers and acquaintances the several scenes by *Roderick Random* pertaining to himself, which had their foundation not in the doctor’s inventive fancy, but in truth and reality. The meeting in a barber’s shop at Newcastle-upon-Tyne, the subsequent mistake at the inn, their arrival together in London,

London, and the assistance they experienced from Strap's friend, were all of that description. We understand the deceased has left behind him an interlined copy of *Robt. Random*, pointing out these facts, showing how far they were indebted to the genius of the doctor, and to what extent they were botched in reality. The deceased could never succeed in gaining more than a respectable subsistence in his trade; but he possessed an independence of mind superior to his humble condition. Of late years he was employed as keeper of the promenade in Villiers Walk, Adelphi, and was much noticed and respected by the inhabitants who frequented that place.

HORSHAM, SUSSEX.

Indecent Bathing.

21. John Crundon was indicted for indecently exposing himself on the beach at Brighton, on the 26th of June and 2d of July last.

Mr. Gurney having opened the indictment, Mr. serjeant Shepherd stated the circumstances of the case. He observed, that it had long been the practice of various persons to undress and bathe so near the houses, and within view of the inhabitants of the town of Brighton, that at length many respectable persons had associated themselves into a committee, to prevent such an indecent exposure. They had accordingly met and pointed out the limits within which persons, not using machines, might bathe in the sea; and, in general, most persons acquiesced in their resolution. In order, however, that no person might complain of any hardship, they resolved that persons who were invalids, and whom it might be inconvenient to walk to the distance prescribed, should have tickets given them, on application to the committee, which

would entitle them to the use of a machine gratis. And still further, to preserve public decency, they had built a hut on the beach, where in any person might undress himself under cover. Notwithstanding these different accommodations, the defendant, who was a tailor, at Brighton, refused to conform to these reasonable regulations, but obstinately persisted in the indecent practice of bathing within a few yards of the houses. He had been frequently remonstrated with; but his uniform answer was, 'The sea was free, and he would bathe when and where he pleased. Nor was he merely content in doing this in his own person, but he had induced many others to follow his example, and he constantly came at the head of his companions, by whom he was denominated the captain, and in defiance of all decency and remonstrance daily exposed himself naked on the beach. The learned serjeant observed, it imported the character of the town to prevent such practices, inasmuch as no decent man could suffer the female part of his family to walk abroad, if their eyes were to be offended with such gross spectacles. The object of the present prosecution was not a vindictive one, it was only to teach the defendant and others, that they would not be permitted to follow such practices with impunity.

Mr. Ellis, a gentleman who resided in Bedford-place, Brighton, proved that the defendant bathed on the days stated in the indictment, and persisted that he would continue to do it, as the sea was free. He also stated the precautions taken by the committee to prevent such indecencies.

This testimony was confirmed by F. Gunn, one of the bathers employed by the inhabitants of Brighton

to warn persons against bathing in exposed situations. He stated, that he had given the defendant one of the hand-bills, in which persons bathing without machines were desired to go eastward of the Crescent, and westward as far as Hove. Upon which occasion the defendant said he would bathe where he pleased.

Mr. Marryatt addressed the jury for the defendant, stating that it had been the custom at all times for persons to bathe where the defendant now bathed; and contending that they ought not to be disturbed because Mr. Ellis, the witness, had thought proper to run up his houses within view.

The chief baron thought this a serious question, and stated his opinion, that it was an offence against decency and morality. If a town grew up, the inhabitants must not be annoyed with indecent spectacles, and therefore it became the duty of the bather to retire to remoter situations.

The jury found the defendant Guilty.

YORK ASSIZES.

J. Long was indicted for stabbing or cutting John Crosby over his left eye with a pitchfork, whereby his left eye was despaired of. It appeared that the prisoner rented a stable in York, about which a number of people were collected on the 15th of October. It was said that the prisoner had some women with him in the stable; and the prosecutor being induced to look, received a stab from a pitchfork over the left eye. The wound was proved to have been inflicted by the prisoner. It was also proved, that he wished he had pushed the fork in his guts, and that he expressed violent threats against some persons who interfered. The judge observed to the jury, that if the prosecutor had died, he

he should have felt it his duty to direct them to find the prisoner Guilty of murder. If they thought the case clear, they would of course find him guilty of the crime for which he was indicted.

The jury returned a verdict of Manslaughter. His lordship observed, that they had mispent their time as the man was still living, the prisoner could not be guilty of manslaughter—Reconsider your verdict. On a question from a jurymen, his lordship said, they were bound to return a verdict—Guilty, or Not guilty. They waited some time in the box, and then his lordship requested them again to retire, which they did, and at length returned a verdict of—Not guilty; on which his lordship said, It is your verdict not mine; how you can acquit your consciences I am at a loss to know.

The trial of Mary Bateman, for the murder of Rebecca Perigo, of Bramley, near Leeds, by administering poison, (the particulars of which we have before detailed) commenced on the morning of the 17th inst. and continued until near nine o'clock at night. The jury without retiring, found her Guilty. The judge, in a most impressive manner, passed sentence of death upon her, and ordered her body to be given to the surgeons. The prisoner, to delay execution, pleaded pregnancy; on which a jury of matrons was impaneled, who retired and found that she was not with quick child. The execution took place on Monday.

KINGSTON, SURRY.

Bigamy.

23. William John Speed, a lieutenant in the army, was indicted for bigamy, in marrying Ann Thorn, his former wife being still living.

Mr. Bulland, as counsel for the prosecution

prosecution, stated, that the prisoner at the bar, in the year 1785, was an ensign in the marines, and then became acquainted with miss Nelson, whose father was then an alderman, and had been mayor of London. After some interval of courtship he married that lady on the 9th of September, 1789, at the parish of Furneux Pelham, in the county of Hertford. He continued with his wife for some years, and had children by her; but in consequence of impropriety of conduct on his part, she was compelled to seek refuge with her father; and in the year 1792 articles of separation were signed between them. The prisoner was abroad for some time, and in the year 1799 he was recommended to lodge in the house of a Mr. Thorn, a respectable market-gardener, near Putney. He soon found means to insinuate himself to the favour of his second daughter, and she was persuaded to marry him. He represented himself as a lieutenant-colonel in the army, and one having the best expectations. They had not, however, been married but a very short time when he went to Germany, and from thence Miss Thorn received a letter from him, saying, she must not look to him for protection, as he was already married, and his wife was still living. In short, having lived with her but a very little time, he wholly abandoned her.

The register of his first marriage was put in, and his identity proved. By this it appeared that he was married to his first wife, miss Nelson, on the 14th of September, 1785, at Furneux Pelham, in Hertfordshire, and a witness proved his wife was still living.

Miss Thorn deposed, that the prisoner came to lodge at her father's on the 6th of October, 1799, and she

married him in the November following. After he had lived with her about five months he went to Halifax, and left her pregnant. He never contributed to the support of the child.

The prisoner being called upon for his defence, said he should merit the severest punishment of the laws, if he had wilfully offended; but he hoped the court would believe, after they had heard his case, that he had erred through ignorance. It was true, he had married miss Nelson, as was stated, and he had lived with her until they had six children. His means were then unequal to the support of so large a family. Three of the children died; his mother took the eldest, and his wife at that time had an employment which produced her two guineas a week. She agreed to provide for two children, and after some time a deed was brought him to sign, which he understood was to secure to her own separate use those two guineas a week. No sooner had he signed it than his wife refused any longer to take care of the children, and he understood he had been deceived into signing a deed of absolute separation from his wife. After this, he instituted a suit in the ecclesiastical court, either to compel his wife to return to him, or to get an absolute separation; and in a motion which was made in the king's bench for a prohibition, lord Kenyon had said from the bench, that, after that deed, he was as free as air. Thinking himself thus free from restraint, he did marry miss Thorn, and continued with her until his military duties called him abroad. When she discovered his former marriage, she refused any longer to live with him; and when he solicited her to it, her reply was angrily, that she could hang him

him, if she liked it. He stated that he had suffered great hardships in prison; he had been shut up in a damp and solitary dungeon, which had brought on him a rheumatic fever; and by an order of the commander in chief, that no officer in custody of the law should receive his pay, he had lost all his pay during his confinement. He protested that he never meant to offend the laws, which he had fought to protect, in all ranks, from an ensign to that of lieutenant-colonel; and in what he had done, he had been misled by error of judgement.

The lord chief baron told the jury the fact was proved unquestionably, and he expressed some indignation at the language represented to have come from lord Kenyon, the absurdity of which every attorney's clerk could have told him. He said he should consider hereafter what degree of punishment the prisoner merited. The jury found him Guilty.

COURT OF CHANCERY.

Peacock v. Peacock.

24. This was an application for an injunction, and the appointment of a receiver, under the following circumstances:—The parties are father and son, and carried on the business of law-stationers in Chancery-lane. A dispute, however, led them into a chancery suit, and an issue was directed to try whether the son was or was not a partner in his father's trade. A jury at Guildhall recently decided in the affirmative, since which the father has given the son formal notice of a dissolution of that partnership, and taken a gentleman of the name of Thompson into his business in his son's place. He also denied his son the freedom of access to the pre-

misses where the business is carried on. The present application, therefore, was for the purpose of restraining Mr. Thompson from receiving the partnership debts; that a receiver be appointed by the court, and that the son have access to the place where the business is carried on.

Sir Samuel Romilly was heard in support of the application, and Mr. Hart against it.

The chancellor did not expect the case would again be brought before him. He said it was a lamentable thing to observe a father and a son, uninfluenced by those affectionate considerations that nature had so wisely ordained, struggling against each other. The spirit of opposition would neither contribute to their welfare nor their happiness, and it was best their disputes should be mutually adjusted, without any further appeal of a public nature. He would therefore give them till Tuesday next to consider of the hint he had thrown out; and if no accommodation was agreed upon by that time, he should proceed, though reluctantly, to say what was proper to be done.

25. A singular accident happened a few days since in Covent-garden market. The driver of a country-cart, who had been wantonly beating his horse, was in the act of cutting the animal with a coach-whip, when the lash caught him round the neck, and the shock locked his jaw. In this situation he was conveyed to a surgeon for assistance, and his jaw was unlocked; but it locked again the same night, and he continued in a dangerous state till Sunday, when he expired.

BURLINGTON-HOUSE.

26. Yesterday the lease of this estate, granted upwards of a century

ury since, by one of the ancestors of Mr. Pollen, to the Burlington family, expired. Part of the estate was formerly called the Ten Acres Field, and it included a field, the mansion, garden, and out-buildings, which were very extensive. In the year 1708, the estate was in the occupation of Richard earl of Burlington, and his assigns; and the duke of Devonshire, as the heir of the earl of Burlington, is the present receiver of the rents. By the expiration of the lease the duke loses 14,000*l.* a year. We understand that the rents of the out-buildings will be raised, and the present mansion, built by the earl of Burlington, will be pulled down. A crescent is to be built on the site, and it will be called Hartington-place, in honour of the marquis of Hartington, who will have a house erected in the centre, fit for his reception.

CHRIST'S HOSPITAL.

At a general court of the governors of Christ's hospital, the question of the propriety of expelling the rev. Dawson Warren's child was considered. After long debates, however, the motion for expulsion was lost, there being 41 for the expulsion, and 45 against it.

Thus it appears, that considerable impression has been made upon the minds of the governors, since Mr. Waithman first agitated this question, as it will be in the recollection of our readers, that at a former meeting, out of 120 governors present, only 7 voted for an inquiry into this abuse.

After the above decision, a letter was read from the city solicitor, by the direction of the committee of common council (who are now proceeding to obtain a reform of those abuses), requesting permis-

sion to examine the presentations of several boys, and to inspect the rules and orders of the hospital, which letter evidently threw the meeting into much perplexity. It was at length agreed, that the letter should lie on the table for the present, and that an answer should be returned.

The rev. Dawson Warren has at length withdrawn his son from Christ's hospital. The removal of the boy, which proved at once both the existence of abuses, and the pertinaciousness with which they are defended, only furnishes additional reasons for proceeding in the reformation of them. It is to be hoped that Mr. Waithman, who has so unremittingly exerted himself in this business, will not relax. He will ultimately obtain his laudable object, and render a lasting benefit to his fellow-citizens. The committee has been investigating these matters for two years, and has discovered no abuse; so has the committee of the India house for many more years; so have parliamentary committees, and all without any practical good: and yet in all these cases have individuals, under every disadvantage, opposition, and calumny, by courage and perseverance succeeded.

28. Upon opening the body of a man who lately died in Guy's hospital, eighteen or nineteen large clasp-knives, such as are used by sailors, were found in the stomach and intestines. The hafts of them were entirely decomposed, and the iron work partly so. The account given by himself was, that several years ago he had swallowed six of his messmates' knives, in a drunken frolic; and that feeling no immediate bad consequences, he had, on two subsequent occasions, swallowed twelve or thirteen more. For

these two years past he had applied, at frequent intervals, for admission into various hospitals, and he was uniformly dismissed as an impostor, upon telling his strange story. He was received into Guy's hospital only a few weeks ago, after having been stripped and minutely examined by Dr. Babington and Mr. Astley Cooper.

APRIL.

1. A species of wasp, which builds its nest in trees, has lately been observed in different parts of the country, and particularly in the west-riding of Yorkshire. It appears to be a new introduction, and is supposed to have been brought across the Atlantic. The trees on which the nests have been most frequently observed, are the gooseberry and currant; and an instance of it has been met with on the common elder, to which insects are generally averse. This species is smaller than the common wasp, but it is much less voracious, and less easily irritated.

The housekeeper of Mr. Dixie, farmer, of Toseland in Huntingdonshire, experiencing some deficiency of flour in making a pudding, imprudently took a small quantity which she recollected had been for a long time lying on a barrel-head in the cellar. The consequences proved that the flour had been mixed with arsenic; for her master and his shepherd, who ate of the pudding, died of poison in the evening; and her own recovery is doubtful.

2. A melancholy catastrophe has involved the family of sir Stewkley Shuckburgh, bart. of Upper Shuckburgh, Warwickshire, and the family of lieut. Sharpe, of the Bedford militia, in the deepest distress. Lieut. S. having paid his addresses to miss Shuckburgh, which were dis-

approved by the family, formed (if he should be disappointed in obtaining the object of his affections) the horrid determination of putting an end to his own and her existence which he carried into effect in the plantations of Shuckburgh Park. They were overheard in earnest discourse by the butler, as if lieut. S. was persuading her to elope with him; and as miss Shuckburgh uttered the words No! No! he immediately heard the report of a pistol, which in a few seconds was succeeded by another, and they were instantly lifeless corpses!—After a most deliberate investigation of all the circumstances of this most affecting and awful event, before John Tomes, esq. and a respectable jury, and the rev. Mr. Bromfield, a magistrate of the county, a verdict of Lunacy was given respecting lieut. S., and that miss Shuckburgh died by his hand. Lieut. S. had been occasionally for some weeks preceding in a state of mental derangement, and in confinement.

The following letters were found concealed in the summer-house unopened, after the mournful occurrence, addressed by Mr. Sharpe to miss Shuckburgh.

“Friday, March 24, 1809.

“Caroline! O my beloved Caroline! I can but a short time longer endure your cruel scorn; prepare to hear the worst of me, and take care of yourself. O! my Heavens! how loth I am to die, but you compel me to leave you! for, was ever the time to come when you would have no parents to oppose your will, I dare not, cannot think you would make me happy. I wish once more to read your dear letters, and then, on my honour, I will bring them to the cave to-morrow night, and shall expect to find mine in the same place

place on Sunday night. If you love me, tell me where you are going on Monday with Frank and your dear father. Your professions of love are as ardent as I could possibly wish; would to God! that your actions were as convincing; then, indeed, I should be happy.—Caroline, my fate is certain; I am sorry you will not let me live; I am no child in my determination: when once fixt, it is immoveable; I have no earthly thing to live for, for you will never be mine, so I will seek another and better world. I can now again scarcely believe you love me, as you will not trust me with your sweet letters, but I shall soon be insensible to every thing; and on my word you may depend on my putting them in the cave some time to morrow night. When I am dead, read them over, and judge of my delight when I received them; and of my anguish to be obliged to give them up. My preparations to quit this world take up so much of my time, that I cannot say more than God bless you! and may he for ever protect you from the miserable, awful end of your truly faithful and affectionate, though wretched,

“PHILIP A. S.”

Extracts from the letter dated Sunday morning, two o'clock, March 26, 1809.

“Now that I have settled, as well as my agitated mind will allow me, all my earthly affairs, I will devote my last sad moments to my ever and for ever beloved Caroline, provided the contents of your letter, I expect to find at the cave, do not compel me to kill you, as well as myself, which I hope in heaven it will not. I came firmly resolved to die; I have exerted all my energy to live, but without you it cannot be; all my religion and fortitude

I had used to possess, has now left me; and indeed I am a wretched mortal; and yet I feel not the least fear of death, but can with pleasure and composure quit this life, for it is impossible I can suffer more; and if you doubt me still, which I shall believe you do, if you say one other word about your letters, I think I shall be tempted to take you to that other and that better world you talk so much about, where we shall be united, never, never to part; then, indeed, we shall enjoy that bliss your cruel parents deny us here: but I fervently hope your letter will be kind, and give me another solemn vow never to be another's: then I can die alone and contented; but if you give me room to suspect that you will ever become any one's wife but mine, the thought will be certain death” * * * * *

“I am contented to die, and fervently do I hope you may be able to live, and live happy, and sometimes think of me. I have from my heart and soul forgiven all who have injured me, and hope they will grant me their forgiveness. I feel not the least resentment against any one, and I feel I can die happy” * * * * *

4. Between one and two this afternoon, the town of Horsham was visited by a most alarming storm. It ran in a south-west direction, with a thick gloomy atmosphere, and after many awful flashes of lightning, and tremendous explosions, produced hail with a degree of violence that dealt destruction to the windows and to the cucumber-glasses in the gardens. The hail-stones were from two to three inches in circumference, and, from their uneven formation, appeared like detached and rugged pieces of ice covering the street nearly shoe deep; and melting quick-

ly. Many houses for a short time were flooded.—The same day a dreadful storm of thunder and lightning passed over Bristol. The flashes were very vivid, and the peals exceedingly loud and near. A thunderbolt, or electric explosion, fell in the office of the Bristol Gazette: but the door being open, the electric matter escaped without doing any serious injury. The electric fluid entered the chimney of a house at Whitehall, Bristol, belonging to Mr. Cardwell, and shattered it in an astonishing manner, blowing out five windows with their frames, and breaking the shutters to pieces. It took a direction from the top to the bottom of the house, entering the parlour, burning part of the carpet to a cinder, and otherwise doing considerable damage. Two horses were also killed near Downend.

A whale, 75 feet in length and nearly 25 in circumference, was mortally wounded, and driven on shore off the Bligh Sands, below Gravesend, by a pilot named Barnes. It was of the pike-headed species, and weighs upwards of 30 tons. The lord mayor ordered it to be brought in a barge above London-bridge, where it was exhibited at 1s. per head, until an officer from the admiralty claimed it as a droit, and forcibly took possession. The blubber is valued at 150%.

An accident of a novel nature happened at Twyford, on the Paddington canal, about five miles from town. One of the passage-boats, belonging to Mr. Pickford, was on its way to the country, laden with various articles: among others some barrels of brandy and rum, over which were ten barrels of gunpowder. The crew consisted of four men; one was with the horse which drew the boat, one in the

little cabin, in the after-part or stern; and the remaining two, who were on deck, took it into their heads to help themselves to a little spirits. They bored a hole with a gimlet, by mistake, in one of the casks of powder, which immediately took fire, and the boat blew up with a dreadful explosion: the two men were killed on the instant. One of them was blown to a distance of more than 60 yards, torn into pieces. Three ricks of hay, belonging to Mr. Willan of Marylebone Park, were set fire to, and upwards of 360 loads of hay consumed. The shock was dreadful in the vicinity, and the houses were agitated as though by an earthquake. The man who was in the cabin asleep escaped, almost miraculously, unhurt. Mr. Willan's property was insured in the Sun Fire-office.

An inquisition was taken some days ago at Chandler's Hatch, near Newington, on the remains of Mrs. Mary Amelia Nollings, who met with her death by jumping from a three-pair-of-stairs window. She had from a child been subject to romantic dreams, and scarcely a night passed but she walked in her sleep; and had been known to go into the garden. Her husband became so habituated to this custom, that when he heard her he would call to her, and she would return to bed without recollecting the circumstance in the morning. In this instance he heard the window go up, and jumped out of bed; but the poor woman was too quick to be saved: she lived several hours in torture, and was sensible to the last. She was 26 years of age, and has left three children. Verdict, Accidental Death.

The committee appointed to inquire

quire into the existence of abuses in the disposal of East India patronage have made their report, and adduced upwards of 25 instances in which the appointments have been corruptly obtained. The parties implicated are numerous; among whom are two deceased females of rank (ladies Leigh or Lumm). None of the directors are concerned, though the confidence of several appears to have been grossly abused. The consideration given for a writership was from 3000 to 3500 guineas, and for a cadetship from 200*l.* to 500*l.* By a resolution of the court of directors, framed in 1799, it is declared, that upon any appointments being discovered, at any subsequent period, to be obtained through undue influence, the party shall not only be dismissed from his situation, but disqualified from holding any office under the company in future. The report recommends the vigorous execution of this resolution as applicable to the above cases, and as the only means of checking an evil, for the prevention of which the measures hitherto adopted have been nugatory, because their violation has never been punished.

A court of common council was held for the purpose of voting the freedom of the city to Mr. Wardle, and other purposes. The business was opened by Mr. deputy Goodbehere, who, after addressing the court some time on the subject of the corruptions lately brought to light during the investigation before the house of commons, moved several resolutions, the object of which was to thank Mr. Wardle for the firmness, patriotic spirit, and perseverance, with which he instituted the late inquiry, and to present him the

freedom of the city in a gold box, value 100 guineas; also to thank sir Francis Burdett, lord Folkestone, and the other members who voted in the minority on Mr. Wardle's motion; and one of the resolutions stated the necessity of a reform of all abuses as essential to the safety of the country.

The motion was seconded by Mr. Miller, and supported by Mr. Kemble, Mr. alderman Combe, Mr. Waithman, &c. and agreed to; the court being unanimous in that relating to Mr. Wardle.

[Meetings have been held in almost all parts of the kingdom, and nearly similar resolutions have been passed, which our limits, however, will not allow us to particularize.]

LORD GAMBIER AND ADMIRAL HARVEY.

A curious circumstance has occurred on board the Channel fleet. Upon lord Cochrane's joining, for the purpose of making some attempt on the French ships in Basque Roads, lord Gambier gave orders, that a boat, boat's crew, and an officer, should instantly be provided by every ship under his command; the whole of the men being required to volunteer. Upon receiving these orders, admiral Harvey addressed his ship's company, and, after stating the nature of them, declared, that he himself in his own person volunteered and invited as many as chose to follow his example; in consequence of which the greater part of the officers and men enrolled themselves along with him. A list of these being conveyed to the *Caledonia*, lord Gambier's flagship, his lordship is reported to have stated, that these were not generally the kind of volunteers he wanted, as lord Cochrane was to command

command the expedition. Here-upon admiral Harvey is stated to have expressed the greatest dissatisfaction, and to have bestowed upon lord Gambier himself epithets descriptive of other qualities than those of his profession, such as *Jesuit*, *Methodist*, and *Psalm-singer*; and all this in the presence of captain Bedford, of the *Caledonia*, who desired to know if it was meant that this reply should be conveyed to the commander in chief; to which the other answering, in the heat of passion, in the affirmative, a communication accordingly took place, and a letter for a court-martial was the result. Admiral Harvey is, in consequence, arrived at Plymouth, and a court-martial is appointed to be held on his conduct on the 1st of May.

It appears, by a paper laid on the table of the house of commons, that the total amount of exemptions under the property tax, granted to foreigners possessing money in the funds, is, for the year ending 1808, 61,450*l.* 10*s.* 1*d.*

It appears, from the annual statement made by the Bank directors, that the amount of their notes in circulation is about 17 millions and a half. Of these upwards of four millions are in notes of 1*l.* and 2*l.*

SWEDEN.

The insurrection of colonel D'Adlersparre, who commanded the troops on the frontiers of Norway, seems to have been the signal for the disaffected at Stockholm; for on the 9th, the king, being informed of the advance of the insurgents, dispatched a courier to the western army, with orders to remove baron Caderstrom from the command in chief, and D'Adlersparre from his command under that officer. This

courier was however prevented from proceeding by major-gen. Adlercreutz, and the king was told that all was quiet. His majesty, in a day or two after, discovered that this report was fallacious, and determined immediately to proceed against the insurgents in person at the head of his guards. On the 13th, in the morning, his majesty left his apartment to go down to the parade in front of the palace, with the intention of announcing this determination to the guards, and calling upon them to follow him. But while he was descending the great staircase towards the parade, major-gen. Adlercreutz, col. Milin, col. Jagerhorn, and some others, advanced to meet him, as if through compliment; and having surrounded him closely, gen. Adlercreutz addressed him, and said, that as all possible means had been tried in vain to induce him to adopt counsels consistent with the exigencies of the times, it had become necessary to have recourse to constraint. The king, surprised, but not deprived of his usual courage, said coolly, "What do you mean? Am I arrested?" All around him answered, "Yes." The king upon this drew his sword, and attempted to run Adlercreutz through the body, but was prevented. One of the conspirators, coming behind, seized his majesty round the body; while the others rushed in on every side, overpowered, and disarmed him. In effecting this, however, the foremost, count Snoilsky, received a wound in his hand from his majesty's sword. The king, though overwhelmed by force, still preserved the firmness of his character unaltered; declaring, that it was in vain to attempt to control him by violence, and that his sentiments and

and principles would ever remain the same. In the night his majesty was conveyed to the castle of Drottningholm, and the next day (14th) he wrote to his queen.—There were few troops in Stockholm at the time, the garrison having been conveyed to the Isle of Aland. The force under D'Adlersparre consisted of 2000 regulars and the same number of peasantry.—No life was lost. The counts Uglass, Fersen, and others, have been arrested; and the tribunal lately instituted by the king for the trial of some of his nobles has been dissolved.

All the principal officers of state are retained in their places; and the war-taxes, which bore heavily upon the people, are repealed. The Swedish ambassador to this country has received an official notification of the revolution, and a confirmation of his public character.

The western army, under the command of lieut.-col. D'Adlersparre, on the 22d ult. marched into Stockholm; where, it is said, they were received with shouts of applause. Their number had been greatly increased in their march from Carlstadt. The king was, on the 24th, removed under a strong escort from Drottningholm to Gripsholm, a palace about 45 English miles from Stockholm. He had not been permitted to see the queen since his arrest.—About 600 Cossacks, who had come over from Aland to Greslehanin, being a part of the army which had taken the former island, were on their march for Stockholm, when they were met by a flag of truce in the name of the regent, duke Charles.

An armistice was immediately signed, to which the emperor of Russia has given his sanction, but only till he receives from Paris an

answer to a communication he has made to the French emperor on the subject.—The new government has demanded a loan.

14. The following cases have been brought before the public eye, by the institution of the committee for inquiring into the abuses of the patronage of the East India company, in which the names of his royal highness the duke of Cambridge, lord viscount Castlereagh, and the earl of Clancarty are introduced.

FIRST CASE.

The Duke of Cambridge's.

It seems Mr. Annesley Shee, who is now in Newgate for refusing to answer the questions proposed to him by the committee, (and who, we have heard, declares he will remain there until a dissolution of parliament, rather than answer them,) advertised in the public papers that he had an East India writership to dispose of, which advertisement was replied to by a Mr. John Fuller, (formerly employed as an agent to the Morning Post,) who was authorized to purchase a writership by a Mr. Greenhill, a gentleman of fortune, near Montrose. We will now give Mr. Fuller's evidence, as stated before the committee of the house of commons.

What passed with Mr. Shee upon this subject?—He advertised a writership, and in consequence of that advertisement I called upon him one morning and found him at home; he told me, Yes, he had such a thing to dispose of, and I asked him the price; he said, either 3000*l.* or guineas; his principals were to have 3000*l.* and he was to have 150*l.*, that is, the shillings.

Was any money deposited for Mr. Shee's use, if he could procure this appointment?—No; he wrote me a note, which I have been trying

ing to find, but I cannot, and rather conceive I must have destroyed it, but it was to this effect, that his mode of doing business was to introduce the principals together, and that on my depositing such sort of security as would enable him to receive 150*l.* when the business was effected, he would introduce me to the principals. I gave him a cheque, I think, on sir Matthew Bloxam, for 150*l.*

Conditionally?—Yes, conditionally.

What was the result? —On my handing over this cheque, he gave me a letter to a lady in Hampton Court palace.

Who was that lady?—Her name was Cottin.

Was that letter delivered?—I delivered it myself.

What passed in the conversation with Mrs. Cottin?—She read this note; Mr. Shee had previously prepared her for my reception; she put on her hat, took me across Hampton Court Green, and introduced me to a gentleman of the name of Poplett, who is, I believe, one of the deputy lieutenants for the county of Middlesex. Here I thought I had certainly got to the end of my troublesome journey. In my conversation with Mrs. Cottin, it was stated that I was to give her 500*l.* and I was to deposit 2500*l.* for the lady in whose possession the patronage was. Capt. Poplett informed me that he had no doubt in the world that he could procure the thing I was after: the first step to be taken was, that I should satisfy him this sum of money was so deposited. I went on the following day, to the best of my recollection, and in Kensington's hands deposited the sum of money required, and sent him the banker's receipts;

and on the same day I sent an undertaking to pay Mrs. Cottin her 500*l.*: that being done, I was to expect a final answer from captain Poplett in the course of three weeks, or I was to be at liberty to remove the money again, and take up the securities I had deposited. Three weeks passed; a month passed: at length I waited upon captain Poplett, and I continued to make applications to him several times, I believe five or six. When he found that he could not do what he had undertaken, he gave me back my security for the 2500*l.*

Do you recollect in what month this was? It must have been in the month of November last, some where between the 15th and 25th, I think.

Did captain Poplett mention to you at any time in whose patronage this appointment was, which he expected to have disposed of?—He distinctly said this: "The lady into whose hands this 2500*l.* is to go, if you knew her history, you would feel for as much as I do." He mentioned that she was either the widow or daughter of some very excellent officer who had been slain somewhere, but he never said more, nor did I ever know who the lady was: he enjoined me to the most profound secrecy, and nothing should have wrung it from my bosom, but the necessity I presume there is for my telling it here.

Did he mention in whose patronage this appointment was?—He said that she had very considerable influence with the duke of Cambridge, who, he assured me, and I believe it most sincerely, was perfectly unacquainted with the object of her application; that the duke had expressed a very great regard for her; and, of course, the young gentleman,

gentleman, whose name I mentioned, she told him was a friend of hers; and the duke, in consequence, wrote her a note, that he would do every thing which he could, to get her wishes complied with. I saw the note from the duke of Cambridge to this lady, but the superscription of it was carefully taken off, so that I should not know who it was.

State generally the contents of it.—That he had received her application, and that he should certainly make a point of endeavouring to accommodate her friend, whose character she spoke so highly of; that if he should fail in one quarter, he would endeavour to procure *the patronage of the queen*; but he did not think he should be able to accomplish the object this year, though it was very probable he might in that that was coming.

Was your friend introduced to this lady?—Never; in short, he is in Scotland at this moment; he has never been in town since; I considered myself so secure at first, I sent for him from Scotland.

Did this lady communicate to the duke of Cambridge the name of your friend?—She must, for he mentioned the name in his note.

Did Mrs. Cottin mention the name of any lady to you, through whom this appointment was to take place?—No; and I believe for the best of all possible reasons, that she did not know the lady; captain Poplett was more communicative to me than to Mrs. Cottin.

Are you certain that you are totally unacquainted with the name of the lady?—I am: her name was always carefully withheld from me.

The lady herself was never introduced to you?—Never.

What was the name of your friend, whom she recommended to

the duke of Cambridge?—James Greenhill.

Before we proceed to the other case, we will make one or two remarks on the preceding one.—It seems there was a lady, “whose husband had been slain somewhere,” for whom the duke of Cambridge had expressed a great regard, which regard was to be evinced by his procuring for her an East India writership!!! What could his royal highness imagine this poor unfortunate lady, “whose husband had been slain somewhere,” was to do with this East India writership? The answer is plain and obvious, and we are convinced will readily present itself to every unprejudiced man’s mind. But the most curious part of this transaction is the method the royal duke proposed to himself to procure this appointment: “if he should fail in one quarter, he would endeavour to procure the patronage of the queen.” This is most astonishing. Mrs. Clarke, indeed, did say, that her majesty enjoyed great patronage, and, we believe, hinted something about the church; but every one knows how much credit is due to what she said—But here we have the duke of Cambridge’s written testimony, that the queen does possess East India patronage. Nothing less than this evidence could make us pay the least attention to the assertion.

SECOND CASE.

Lord viscount Castlereagh and the earl of Clancarty.

The other case (but far the most important) to which we shall call the attention of our readers, is that of lord Castlereagh, a nobleman who at the time of this transaction held, and who now holds, one of the highest situations in the state, a privy counsellor and a member

ber of the cabinet. It appears a man of the name of Reding, knowing a gentleman who wished to exchange his seat in the house of commons for an East India writership for his son, opened a negotiation, for that purpose, with an Irish nobleman, the earl of Clancarty, who was desirous of *buying* a seat. We will now give his lordship's evidence.—

In consequence of the examination of Mr. Reding, in which your lordship's name was mentioned frequently, I am desirous, in the first place, to know, when you became acquainted with Mr. Reding?—About the month of October, 1805.

On what occasion did you first become acquainted with that person?—With respect to obtaining a seat in parliament.

Did you see him frequently upon that occasion?—Three, four, or five times: more than twice, certainly.

Did he hold out that he had the power of procuring a seat in parliament?—He did: he represented that a friend of his in parliament, a very respectable man, was desirous of retiring from parliament, but wished to make that retirement subservient to the object of obtaining a situation for a young man, a relative of his, either a son or a nephew, to the best of my recollection, and stated that if a writership could be obtained for the party, he would be willing to retire. Having no wish to save any expense upon my part, and having no writership to dispose of, the negotiation at that time closed.

Was this negotiation renewed with Mr. Reding, and upon what occasion?—It was: having mentioned the circumstance to my friend, lord Castlereagh, and expressing great disappointment that the seat

could not be obtained, he told me that he had a writership undisposed of, which, as far as he himself was concerned, he should be very happy to give me the recommendation to; stating at the same time the necessity of the most minute inquiry into the character of the party to be recommended. After various interviews with Mr. Reding, in order to obtain the name of the person who was to retire, as well as of the person to be recommended, and not being able to obtain either, the negotiation altogether closed.

Did lord Castlereagh offer you this appointment of a writership for the purpose of facilitating your being returned to parliament, if that could be obtained by this means?—Certainly: it being always to be understood that the party was of sufficient respectability to be eligible for the situation.

Did you communicate to Mr. Reding that you had a writership at your disposal, which you were ready to give to his friend, if the person recommended was perfectly eligible, provided the seat in parliament could be obtained?—I certainly gave him to understand that I had, or that the thing might be procured.

Lord viscount Castlereagh next examined.

Had you any conversation with lord Clancarty, as connected with this transaction of Mr. Reding, in which a writership was offered to lord Clancarty's nomination? I think, some time after I inclosed Mr. Reding's letter to lord Clancarty, lord Clancarty told me, he had a negotiation with Mr. Reding, with a view to procure a seat in parliament, which, he said, had failed; inasmuch as the proposition he had made to Mr. Reding, which

was of a pecuniary nature, had been declined by the person who was supposed to have the influence to procure the seat in parliament.

What passed between your lordship and lord Clancarty in consequence of this?—I should state, as preliminary to answering that question, that nothing in point of fact ever arose out of the communication I had with lord Clancarty, by which the disposal of the writership was effected, nor did the nomination to any writership take place in consequence of that communication. With reference to the question itself having been put to me by the committee, I feel it my duty to give an explicit answer to it; that “I was induced to place a writership at lord Clancarty’s disposal, and that certainly the impression under which I did it was, that lord Clancarty’s coming into parliament might be thereby facilitated.” I stated, however, to lord Clancarty, that I did not feel that I could recommend any person for a writership in the East India company’s service, who was not individually; and in point of connections, a proper object to receive a political favour of such a nature from a member of the government, and such a person, in point of character, as the court of directors were entitled to expect to be placed in their service, in consequence of any nomination they had placed at my disposal, on which point my decision must be reserved till I knew who the party was that solicited the appointment.

Subject to those qualifications, was it your lordship’s intention to have placed this nomination at lord Clancarty’s disposal, to be given in consideration for his being returned to parliament?—I con-

1809.

ceived lord Clancarty, with these qualifications, entitled to call upon me for the writership if it could be of any use to him, either for that purpose or any other that he was interested about, and which had no relation to a pecuniary transaction. I must observe, however, that my conversation with lord Clancarty arose out of a particular case stated, and, I believe, was never acted upon by him otherwise than to ascertain whether the case had any existence in point of fact. I certainly did not conceive, in so placing a writership at lord Clancarty’s disposal, that it could possibly become the subject either of sale for money, or general barter for a seat in parliament.

AFRICA.

Three British officers from the garrison of the Cape of Good Hope, having gone out on a party of pleasure to the Table mountain, were overtaken by the night. Before they could regain the plain, they lost their track, wandered and separated. One of them, with much difficulty, at length found his way into the town; but no intelligence having been received of his companions, a party went out in search of them. They were both found at the foot of a prodigious precipice, crushed and mangled in the most dreadful manner. One of them, an aide-du-camp to lord Caledon, had already expired; and the other was just at the point of death. Both of these unfortunate sufferers were men in the prime of life, and most promising officers.

RUSSIA.

The following affecting circumstance is stated in an article from Petersburg last month:—“There persons, who had been banished

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to

to Siberia—(a country the name alone of which inspires terror throughout all Russia)—were obliged to gain a subsistence by hunting. In this pursuit they were one day led so far as to be unable to regain their road, or to find any vestige of human habitation. Overcome by fatigue, and exhausted by hunger, they were at length reduced to the necessity of casting lots, in order that he upon whom it should fall, might serve to support the lives of the others. To aggravate their distress, these unfortunate persons were a father, his son, and his nephew. This last was the first victim; the father next immolated himself to prolong the life of his only son, who ultimately owed his preservation to a hunter whom chance conducted to the spot. On his return, he related the particulars of this melancholy affair; and the government of Siberia, not daring to punish what was produced by the most urgent necessity alone, has sent the criminal with a representation of the affair to St. Petersburg."

Letters from St. Petersburg, mention, that the emperor Alexander, with the grand duke Constantine, count Romanzoff, and a numerous suite, were preparing to leave that city for the army in Galicia; and that events of great importance to the world might be expected soon to take place. It is also said, that there are no grounds to hope that Alexander would change his present system of politics. The idea of possessing European Turkey, and placing his brother Constantine upon the throne of Constantinople, tended not a little

towards retaining in him a disposition favourable to Napoleon.

LONDON GAZETTE EXTRAORDINARY.
Admiralty-office, April 21.

Dispatch transmitted by lord Gambier to the hon. W. W. Pole.

Caledonia. at anchor in Basque Roads, April 14.

Sir, The Almighty's favour to his majesty and the nation has been strongly marked in the success he has been pleased to give the operations of his majesty's fleet under my command; and I have the satisfaction to acquaint you, for the information of the lords commissioners of the admiralty, that the four ships of the enemy named in the margin* have been destroyed at their anchorage; and several others, from getting on shore, if not rendered altogether unserviceable, are at least disabled for a considerable time. The arrangement of the fire-vessels, placed under the direction of capt. the right hon. lord Cochrane, were made as fully as the state of the weather would admit, according to his lordship's plan on the evening of the 11th instant; and at eight o'clock on the same night they proceeded to the attack, under a favourable strong wind from the northward, and flood-tide (preceded by some vessels filled with powder and shells, as proposed by his lordship, with a view to explosion), and led on in the most undaunted and determined manner by capt. Vth Aldridge, in the Mediator fire-ship, the others following in succession; but owing to the darkness of the night, several mistook their course, and failed.—On their approach to the enemy's ships, it was

* Ville de Varsovie, of 80 guns; Tonnerre, of 74 guns; Aquilon, of 74 guns; and Calcutta, of 56 guns.

covered that a boom was placed in front of their line for a defence. This, however, the weight of the mediator soon broke, and the usual repidity and bravery of British men overcame all difficulties; advancing under a heavy fire from the forts in the Isle of Aix as well as from the enemy's ships, most of which cut or split their cables, and, from the confined anchorage, got ashore, and thus avoided taking fire. At daylight the following morning, lord Cochrane communicated to me by telegraph, that ten of the enemy's ships were on shore, and might be destroyed. I immediately made the signal for the fleet to unmoor and weigh, intending to proceed with it to effect their destruction. The wind, however, being fresh from the northward, and the flood-tide running, rendered it so hazardous to run into Aix roads (from its shallow water); I therefore anchored again at the distance of about three miles from the forts of the island.—As the tide suited, the enemy evinced great activity in endeavouring to warp their ships (which had grounded) into deep water, and succeeded in getting all but five of the line towards the entrance of the Charante before it became practicable to attack them.—I gave orders to capt. Bligh, of the Valiant, to proceed with that ship, the Revenge, frigates, bombs, and small vessels named in the margin*, to anchor near the Boyart shoal, in readiness for the attack. At twenty minutes past two P. M. lord Cochrane advanced in the Imperieuse with his accustomed gallantry and spirit, and opened a well-directed fire upon the Calcutta,

which struck her colours to the Imperieuse; the ships and vessels above mentioned soon after joined in the attack upon the Ville de Varsovie and Aquilon, and obliged them before five o'clock, after sustaining a heavy cannonade, to strike their colours, when they were taken possession of by the boats of the advanced squadron. As soon as the prisoners were removed, they were set on fire, as was also the Tonnerre a short time after by the enemy.—I afterwards detached rear-admiral the hon. R. Stopford, in the Cæsar, with the Theseus, three additional fire-ships (which were hastily prepared in the course of the day), and all the boats of the fleet, with Mr. Congreve's rockets, to conduct the further operations of the night against any of the ships which lay exposed to an attack. On the morning of the 13th, the rear-admiral reported to me, that as the Cæsar and other line-of-battle ships had grounded, and were in a dangerous situation, he thought it advisable to order them all out, particularly as the remaining part of the service could be performed by frigates and small vessels only: and I was happy to find that they were extricated from their perilous situation. Capt. Bligh has since informed me, that it was found impracticable to destroy the three-decked ship, and the others which were lying near the entrance of the Charante, as the former, being the outer one, was protected by three lines of boats placed in advance from her.—This ship and all the others, except four of the line and a frigate, have now moved up the river Charante. If any further attempt to destroy them

* Indefatigable, Aigle, Emerald, Pallas, Beagle, Aetna bomb, Insolent gun-brig, Conflict, Encounter, Fervent, and Growler.

is practicable, I shall not fail to use every means in my power to accomplish it.—I have great satisfaction in stating to their lordships how much I feel obliged to the zealous cooperation of rear-adm. Stopford, under whose arrangement the boats of the fleet were placed; and I must also express to their lordships the high sense I have of the assistance I received from the abilities and unremitted attention of sir H. Neale, bart. the captain of the fleet, as well as of the animated exertions of the captains, officers, seamen, and marines, under my command, and their forwardness to volunteer upon any service that might be allotted to them; particularly the zeal and activity shown by the captains of line-of-battle ships in preparing the fire-vessels.

[Lord Gambier then speaks in terms of high commendation of the gallantry of lord Cochrane—of capt. Godfrey of the *Ætna*, who bombarded the enemy's ships on the 12th and 13th,—and of the services of Mr. Congreve in the management of his rockets, which were placed in the fire-ships with effect. He also notices the handsome and earnest manner in which rear-admiral Stopford and sir H. Neale volunteered their services to lead the fire-ships previously to the arrival of lord Cochrane.]

I send herewith a return of the killed, wounded, and missing, of the fleet, which, I am happy to observe, is comparatively small. I have not yet received the returns of the number of prisoners taken, but I conceive they amount to between four and five hundred.—I have charged sir H. Neale with this dispatch (by the *Imperieuse*); and I beg leave to refer their lordships to him, as

also to lord Cochrane, for any further particulars of which they may wish to be informed.

GAMBIER.

Respecting the insurrection in the Tyrol in favour of Austria, we give an official report published by the emperor Francis while at Scarding on the 17th ult. from col. Taxis, who had been sent into the Tyrol with a small Austrian corps to assist the operations of the inhabitants.

Sire, *Inspruck, April 15.*

I feel it a duty incumbent upon me to make known to your imperial majesty the testimonies of bravery and fidelity which former subjects of your majesty have displayed, in proof of their attachment to your august house. The brave Tyrolians, driven to despair by the extinction of their constitution, which had been preserved entire and inviolate under the dominion of your majesty and that of your august ancestor, took up arms on the 10th inst., attacked the Bavarian troops at Stergingen, at Inspruck, at Hall, and at the convent of St. Charles; and after having killed or wounded more than 500 of the enemy, compelled them to surrender and capitulate. On the 12th a body of 300 men, composed of French and Bavarian troops, presenting themselves before Wildau, near Inspruck, sustained a similar defeat to that of the former; and a reinforcement of French troops which came up on the 13th did not meet with a better fate.

As prisoners are continually coming in, I am not as yet enabled to ascertain the number of them with precision; but there have already been brought in, and sent on their way to Saltsburgh, the French general Bisson, several officers of the

the staff, from 3000 to 4000 men of different descriptions, artillery, cavalry, light infantry, &c. and likewise the Bavarian general Kunl, col. Ditford, two lieut.-colonels, two majors, about 20 officers, and above 12,000 Bavarian troops. A considerable number of prisoners were brought in every other moment, who have been dispersed in the different attacks.

The report then continues to speak in the highest terms of the bravery displayed by the Tyrolese in a variety of desultory engagements; in all of which the enemy were routed, and their cannon, baggage, &c. seized by the victors. On the 9th, lieut.-gen. Jellachich advanced towards the Tyrol, across the mountains of the Saltsburgh territory, with a small detachment; but though a double march was made every day, he arrived only in time to admire the victory of the brave Tyroleans, who, armed with every sort of weapon they could lay hold of, were pressing forwards towards Inspruck, to encounter a fresh column of the enemy which were said to be approaching. The march of the Austrian detachment resembled a triumph; they were every where greeted by the exclamations of the people, and the sound of bells mingled with discharges of artillery and musketry. An innkeeper at Hall organized the insurrection of the country, and directed three attacks, in which the Tyroleans lost only 26 men. Twenty thousand florins of the public money were seized at Imbst. The Bavarian authorities have been replaced by a provisional police.

Private letters from the French head quarters of the 6th inst. announce, that on that day an Austrian officer of the staff had arrived

with a messenger bearing letter written by the emperor Francis to the emperor Napoleon; in which the emperor of Austria implored an armistice and peace of his majesty in the most humble expressions. The short time of the stay of the parlementaires in the head quarters of his majesty induced an opinion that the answer was unfavourable; the more so as the army continues advancing.

Re-entry of the French into Vienna.

The above is confirmed by the following letters.—The *Moniteur* of the 19th states as follows:

Yesterday evening col. Guehenen, aide-du-camp to the duke of Montebello, arrived at the arch-chancellor's palace, with dispatches from the emperor, containing accounts that the French army entered Vienna on the 12th; when the following proclamation was issued:

“Soldiers—A month ago the enemy passed the Inn. On the same day, and at the same hour, we have entered Vienna. Their militia, their general insurrection, their bulwarks, which have been raised by the power of the princes of the house of Lorraine, have not been able to withstand your presence. The princes of that house have abandoned their capital; not as warriors of honour, but as egotists, who are pursued by their self-reproaches. Flying from Vienna, their adieu to the inhabitants has been fire and murder. Like Medea, they have destroyed their own children. The people of Vienna shall be the object of your regard. I take the inhabitants of this town under my particular protection; but any disturbances or irregularities I shall exemplarily punish. Soldiers, behave well to the people of the country. Let us

take no pride in our success ; let us only regard them as a proof of divine justice, which punishes ingratitude and the want of faith.

“ NAPOLEON.”

COMMISSIONERS OF DUTCH PRIZES.

20. Every day teems with the disclosure of fresh depredations committed on the public purse; and although nine times in ten, owing to a deficiency in the law, the perpetrators escape with impunity, yet there are people senseless enough not to see the necessity of a general and radical reform. The under-mentioned case needs no comment. We only wish to inform our readers that the John Bowles, esq. mentioned in it, is the same man who, about the commencement of the French revolution, made such a noise about the defence of “social order and our holy religion.” It now appears John Bowles did not bawl for nothing. It seems that in pursuance of an act passed in 1795, a commission was issued on the 13th of June in that year, appointing James Crawford, John Brickwood, Allen Chatfield, John Bowles, and Alexander Baxter, esqrs. commissioners for the management and sale of Dutch property then detained in British ports. The commission has continued to the present day ; and these gentlemen, who state that no rate of compensation for their services was fixed by government, have appropriated to themselves a commission of 5 per cent. on the gross proceeds of the sales, which, together with brokerage and interests upon balances in their hands, make a sum of 114,941*l.* the amount of profits which they have actually received ; a further sum for interest makes the amount 123,198*l.* ; and they expect

still a further commission of about 10,000*l.*, making a sum total of profits received and expected of about 133,198*l.* !!!

Thus have these gentlemen been appropriating to themselves near 10,000*l.* annually of the public money for near 14 years. The knowledge of this transaction has been obtained from the fourth report of the committee on the public expenditure. By this it has been discovered that these *worthy* commissioners were not satisfied with this salary, but that they also availed themselves of the opportunity of rendering the large balances they constantly had in hand productive of profit to themselves. “A part (says the report) they invested in exchequer bills, a part in India bonds, and a small part, in the very exceptionable article of bills of exchange on private individuals, which they have discounted for their own emolument.” But the most curious feature of this affair—that which exhibits these *honourable disinterested men* in their true colours—is contained in the following extract from the report :—

“Your committee have learnt by their inspection of the minute book of the commissioners, that on the 25th of February, 1796, information was asked on the part of Mr. Pitt, whether any and what sum then in hand, arising from the disposal of Dutch property, could be paid into the exchequer for the service of the current year ; and that the commissioners replied, that no payment of consequence into the Bank according to the act of parliament could be made, unless the treasury should first move the lords of the privy council to direct the India company to pay a sum (amounting to about 118,000*l.*) then due from the

the company to the commissioners.

“At the time of this application, the balance in hand, the amount of which appears not to have been stated to the treasury, was about 199,000*l.* and it was never so low as 150,000*l.*, in the course of the next 15 months, (the sum usually transferred at one time into the Bank under the act.)”

LORD COCHRANE AND THE ACTION IN BASQUE ROADS.

We are happy to have an opportunity of communicating to our readers some more particulars of this achievement, and the more so, as it places the character of this Nelsonian hero in a most interesting point of view. The manner of his proceeding was as follows:—

His lordship caused about 1500 barrels of gunpowder to be started into puncheons, which were placed end upwards: upon the tops of these were placed between 300 and 400 shells, charged with fuses, and again, among and upon these, were between 2 and 3000 hand grenades. The puncheons were fastened to each other by cables wound round them, and jammed together with wedges; and moistened sand was rammed down between these casks, so as to render the whole, from stem to stern, as solid as possible, that the resistance might render the explosion the more violent.

In this immense instrument of destruction, lord Cochrane committed himself, with only one lieutenant and four seamen: and after the boom was broken, his lordship proceeded with this explosion ship towards the enemy's line.

Let it be recollected, that at this moment the batteries on shore were provided with furnaces to fire red hot shot, and then his lord-

ship's danger in this enterprise may be properly conceived.

When lord Cochrane had conducted his explosion ship as near as was possible, the enemy having taken the alarm, he ordered his brave little crew into the boat, and followed them, after putting fire to the fuse, which was calculated to give them 15 minutes to get out of the reach of the explosion. However, in consequence of the wind getting very high, the fuse burnt too quickly, so that, with the most violent exertion against wind and tide, this intrepid little party was six minutes nearer than they calculated to be, at the time when the most tremendous explosion that human art ever contrived took place, followed by the bursting at once in the air, of near 400 shells, and 3000 hand grenades, pouring down a shower of cast metal in every direction! But fortunately our second Nelson was spared, the boat having reached, by unparalleled exertion, only just beyond the reach of destruction. Unhappily, this effort to escape, cost the life of the brave lieutenant, whom this noble captain saw die in the boat, partly under fatigue, and partly drowned with waves that continually broke over them. Two of the four sailors were also so nearly exhausted that their recovery has been despaired of. Such were the perils this hero encountered, and which have hitherto been buried in silence. When they reached their ship, the *Imperieuse*, it is known that lord Cochrane was the first to go down to the attack, and was more than an hour the only English man of war in the harbour. His attack and capture of the *Calcutta*, which had one third more guns than the *Imperieuse*, has been properly spoken of.

The repetition of his explosions was so dreaded by the enemy, that they apprehended an equal explosion in every fire-ship; and, immediately crowding all sail, ran before the wind and tide so fast, that the fire-ships, though at first very near, could not overtake them before they were high and dry on shore, except three 74's besides the Calcutta, which was afterwards engaged, taken, and burnt. Seven went on shore, of which, two 3-deckers afterwards got off before our ships of the line got in, and they went up the river. Two of the remaining five were on their beam ends before lord Cochrane came away, and it was his lordship's opinion, that with proper exertion they might be completely destroyed.

His lordship soon turned his attention to rescue the vanquished from the devouring elements; and in bringing away the people of the *Ville de Varsovie*, he would not allow even a dog to be abandoned, but took a crying and neglected little favourite into his arms, and brought it away. But a still greater instance of goodness was displayed in his humanity to a captain of a French 74, who came to deliver his sword to lord Cochrane, lamenting, that all he had in the world was about to be destroyed by the conflagration of his ship. His lordship instantly got into the boat with him, and pushed off, to assist his prisoner in retrieving some valuables; but in passing by a 74, which was on fire, her loaded guns began to go off; a shot from which killed the French captain by lord Cochrane's side, and so damaged the boat, that she filled with water, and the rest of the party were nearly drowned.

A total silence as to the objects

this squadron had in view, and which have been prevented by lord Cochrane's destruction of it, has hitherto deprived the nation of the fair means of justly appreciating the extraordinary advantages which have accrued along with this addition to our naval glory; for it has now been learnt, that this squadron was to have gone to Ferrol, where it would have gained a great additional naval strength: from thence proceeding to Toulon, it was to receive on board 40,000 troops, intended to take possession of Cadiz and the fleet; and after that they were to proceed to the West Indies, to succour Guadeloupe and Martinique; for which service, one of the 74's that was burnt was laden with many thousand pounds worth of stores and ammunition.

COURT OF KING'S BENCH.

Doe, dem. Done v. Harris, esq.

26. This was an action of ejectment, brought against the defendant, as proprietor of Covent-garden theatre. It appeared that the lessor of the plaintiff, previously to the burning of Covent garden theatre, occupied the Struggler public-house in Bow-street; but the defendant having since built upon the site of that public-house, the present action was brought to establish his right of possession, and lay the grounds for a subsequent action for mean profits. It was admitted by the defendant, that the lessor of the plaintiff did occupy the house in question, and that he had since built upon the site. It was also admitted, on the other side, that a regular notice to quit at Michaelmas, 1809, had been received.

Mr. Garrow said, that while the neighbourhood surrounding the theatre contemplated the late fire as a calamity,

amity, the plaintiff rejoiced at the event, and imagined he should be like a phoenix from the flames. Indeed that might have been the case, and a suitable compensation given to him, had he not demanded 500 times more than the fee simple of the land upon which the house he occupied from year to year stood. The defendant, however, by his (Mr. Garrow's) advice, refused to comply with the demand; and the lessor of the plaintiff, unless his demands were more reasonable, would be put to his action for mean profits.

Lord Ellenborough said, the plaintiff was clearly entitled to a verdict; and the jury found accordingly.

The king v. Alexander Davison, esq.

The defendant was brought up, and received the sentence of the court.

Mr. justice Grose, in passing it, read the particulars of the information, and commented upon the facts which were proved at the trial. He told the defendant, that he, being employed to check the persons who applied stores for government, had secretly become himself one of those suppliers over whom he was to be a check. By this means he was paid for checking what it was his interest not to check. But he had secretly become this supplier: he had obtained the money he had obtained by this abuse of his trust through the help of false vouchers; which, if they amounted not to a forgery, approached very near to the crime of obtaining money under false pretences. The defendant said, the learned judge remarked, paid into the exchequer the sum of £8,882*l.* 13*s.* 1*d.* as the commission which he had thus obtained upon the goods he himself supplied; and

this was some atonement for his crime: but it was not the only punishment with which the government and the people, burthened as the latter were by the increase of taxes, could rest satisfied. The court therefore sentenced him to be imprisoned in his majesty's gaol of Newgate for 21 calendar months.

This term, added to the defendant's imprisonment since his trial, will make the whole two years.

POLICE, MANSION-HOUSE.

Another hearing of two informations, brought by Mr. Hague against Mr. Tipper, of Leadenhall-street, for not affixing his name to a publication called *The Satirist*. Mr. H. stated to the lord mayor, who was assisted by the common sergeant, that his object was not so much the recovery of the penalty, as to discover the author of a paragraph in the publication, styled "*A Review of Hague's Letters to the Duke of York.*" He then called Mr. Gillet, to know if any part of it was printed by him for Mr. Tipper. Mr. G. said, part of it might have been printed at his office, but he could not swear to who composed it; there might be five or six men employed on it. Mr. Tomkins, engraver, of Oxford-street, proved his having purchased the books at Mr. Tipper's shop; and Mr. Livermore, assistant to Mr. T. said, he might have sold them, but could not tell who printed them.—Mr. Gurney said, this information must fall to the ground, as it was expressly laid for printing and publishing certain papers, whereas they were pamphlets; and Mr. Gillet said, if they were single papers they would be subject to a stamp duty. The common sergeant coincided in this opinion, and the informations were accordingly quashed.

MAY.

An experiment exciting much interest was tried at Woolwich this day, the invention of capt. Manby, barrack-master of Yarmouth, for the purpose of getting a communication with vessels stranded on a lee-shore, to save their crews in the darkest night. Three requisites were necessary to effect this important object: first, to discover precisely where the wrecked vessel was, if it was not in the power of the crew to point out her distressing situation by luminous signals; secondly, to lay the piece of artillery with accuracy for the object; thirdly, to make the flight of a rope perfectly discernible to those on shore, and to those for whose safety it was intended. A small mortar firing a paper ball high into the air, at a certain calculated distance it was exploded, disengaged a shower of large balls of fire that kept a luminous fall nearly to the horizon, where the vessel was supposed to be seen, and a stand, having two perpendiculars in it, was pointed to the object; the stand supposing to have ascertained the direct position of the wrecked vessel, the mortar was to be placed behind it directed to the line of the two perpendiculars, and the rope regularly laid on the ground in its front; the mortar being loaded with a shell, having three large fuses or rather rockets in it, which, when fired, carried the rope, surrounded by such an immense blaze of light that could scarcely be conceived. All before whom the experiment was made, congratulated the inventor, and expressed their conviction of its utility.

Our readers will recollect the case of the rev. Francis Stone, who, after many hearings in the consistory court, refusing to revoke his opinions, was deemed to have forfeited his living, and was adjudged

to be deprived of it. Against this sentence he appealed to the court of arches; and the case having been argued before sir John Nicholls, he this day took a review of the whole proceedings, and stated that this appeal had been made by Mr. Stone, on the grounds, as stated by him in his defence, "that he was ignorant of the act of queen Elizabeth, on which he had been convicted, and supposed he was at liberty to preach agreeably to the conviction of his own conscience; but that as the act above alluded to, and the consistorial court, adjudged to the contrary, he was ready and willing to declare that he would never offend in the same way."—"This," said sir John Nicholls, "is no recantation of the doctrines preached, but merely an assertion that he will not offend again in the same way; by which he may mean that he will not preach at all, or that he will not preach another visitation sermon; so that he may retain the same errors with his living, if he be allowed to hold it." Sir John saw no grounds for reversing the former judgment: but declared it to be affirmed, reserving the decision as to the costs, as he understood a petition had been presented to remit them, and as the crown lawyers might not be disposed to urge them.

A subscription is opened with a view of purchasing an annuity for Mr. Stone, who, it is believed, is left almost destitute, and has a large family depending on him.

COURT OF EXCHEQUER.

Jones v. Jones.

11. This was a case of considerable public interest, and established the fact, of landlords and innkeepers being answerable for the property of their customers, while under their roof. It was an action tried at the last Hereford assizes, before

Mr.

Mr. baron Wood,—the facts of which were as follow:—The plaintiff had a rider in his employ, named Evan Jones, who left London in December last, and in five days after arrived at an inn at Wrexham, in Denbighshire, kept by the defendant. The inn being full, the rider was obliged to sleep in a three-bedded room, two of which were occupied by the defendant's own family. The rider swore at the trial, that on the morning of his arrival at Wrexham he had a pocket-book containing 400*l.* in bank notes; that meeting with several of his Welch friends, he drank freely, but was not intoxicated. On going to bed at night, he recollected placing his waistcoat in a chair by his bed-side, and the pocket-book was safe. When he awoke the next morning, his clothes were there, but his pocket-book was gone; upon which he roused the whole family, declared his loss, and all joined in searching the bed-chamber; but the pocket-book could nowhere be found. The defendant and his wife appeared extremely anxious that the pocket-book should be found, and actually sent for a constable to assist in the search. In answer to this, the defendant brought all his servants and children to prove, that they never saw the pocket-book; and the judge summed up in favour of the defendant, observing, that it was a very hard law against innkeepers, who were made liable for the security of the goods of their guests; and unless the jury were satisfied of the evidence of the rider, they would find for the defendant.—The jury, however, consulted together for some time, and found a verdict for the plaintiff.—Damages 400*l.*

Mr. Jervis came to court this term, and obtained a rule to show

cause why the verdict should not be set aside, and a new trial had; that verdict being against the directions of the judge. This day the case came to be fully argued; and since the court granted the conditional rule, the following extraordinary fact had come to light. The defendant had fallen into distress, his goods were seized in execution, and a public sale advertised on the 20th ult.; on which day the auctioneer, in presence of the persons assembled, put up for sale a bed and mattresses, remarking, that it was the same in which the young man had slept who lost the 400*l.* The lot was purchased by a person, who joined in making an affidavit of the fact; and, to his astonishment and surprise, between the two old mattresses, which were under the feather-bed, the lost pocket-book was discovered, and the 400*l.* in notes within it. Upon the knowledge of that fact, Mr. Jervis suggested, if a new trial was not granted, that a *set process* should be awarded, and the defendant spared from payment of the costs. Mr. Jervis added, that the defendant was most interested for his character, which had suffered by the verdict; and he contended, that the rider, having gone to bed intoxicated, might, by the cunning some men possessed in their intoxication, have hid the book between the mattresses, and the next morning lost all recollection of the fact.

The chief baron admitted, that it was a sort of action which required as much strictness in proof as a trial for felony; and that the imprudent conduct of the rider laid him open to a severe cross-examination; but the jury, believing his testimony, had come to a right conclusion.—The subsequent finding of the pocket-book was a decisive

sive confirmation of his story; and though he did not mean to attach suspicion to the defendant or his wife, yet he might have dishonest people about him; and he could not believe the pocket-book was between the mattresses on the morning of the search. He rather believed, from the noise the circumstance had occasioned in the country, the party who took the pocket-book was apprehensive it could not be got rid of without detection, and had therefore placed it between the mattresses previous to the sale. Upon the whole, he saw no grounds for disturbing the verdict, or for granting a *set processus*.

The other judges concurred in opinion, and the rule for a new trial was discharged.

COURT OF KING'S BENCH.

The king v. Hanson, esq.

12. The defendant was brought up for final judgement, convicted of encouraging the cotton-weavers of Manchester to riot, and contempt of the civil power.

Mr. justice Grose, after severely animadverting upon his conduct, adjudged him to pay a fine of 100*l.* and to be imprisoned six months in the king's bench.

Mr. Hanson then addressed the court as follows:

"My lord, the consciousness, of innocence will enable me cheerfully to support this or any other sentence which the court might impose upon me."

Mr. Hanson has since published the whole proceedings of the trial taken in short-hand, from which it should seem he was most forward and active in preventing a riot, and in endeavouring to allay the feelings of the people.

14. A most destructive fire broke out about ten this night on Ralph's

quay, near Billingsgate, in consequence of a spark of fire dropping on the turpentine which had run from some casks lying there, and which, communicating to Ralph's quay warehouses, set the whole in a blaze. Notwithstanding the prompt assistance in a very short period from the commencement of the fire, such was its rapidity and violence, that the water seemed merely to give fresh strength to the flames. The range of warehouses up to Thames-street, filled with sugars, tar, oil, hemp, turpentine, tallow &c., &c. were all successively consumed, and the volumes of fire, though generally speaking almost uniformly thrown up, were rendered more furious and horrible every ten or fifteen minutes by some new combustible matter which they caught.—The fire communicated in a gradual but rapid manner to the vessels next the shore, and it began with assailing the masts, sails and rigging of those in the immediate tiers. The sight from London and Blackfriars bridges was awfully affecting; and it was at one period apprehended, that it would be impossible to preserve any of the shipping in that part of the river from absolute ruin. Fortunately the tide favouring about eleven o'clock, by the efforts which were made for the preservation of the vessels in the dock, several were towed out, although with extreme difficulty. Four were completely burnt, and about the same number damaged. A floating engine, which was worked with great skill, was of considerable service in the preventing the extension of the flames along the river. Among the vessels consumed are, a large brig from Hull (the *Zealous*), laden with hemp, tallow, &c. a Margate hoy (the *Britannia*), and a Deal vessel, laden

ten with spirits and wine. In addition to the warehouses, six crane-houses were destroyed; and several houses in New Temple-alley, the Ipswich Arms, the Coopers' Arms in Thames-street, and the Dice on Quay (a public-house on Dice Quay), were damaged. Whilst the firemen, watermen, &c. were most actively employed in rescuing some cart-loads of property from the flames, a floor in the warehouse of Liddard and Elwin, containing about 700 firkins of butter, fell in, and several of the firemen were up to the calfs of their legs in boiling grease: a young man, of the name of Kinman, a fireman belonging to the Globe, had the misfortune to get the boiling liquid above his boot-tops, and was so dreadfully scalded, that he was carried off to St. Bartholomew's hospital. The insurances in the various offices do not exceed 25,000*l.* while the loss is estimated at near 70,000*l.* We are happy to say that no lives were lost.

SHERIFFS' COURT.

CRIM. CON.—*Will shy v. lord Paget.*

14. The plaintiff having brought his action of damages against the noble defendant, for seducing and debauching his wife, and the defendant having suffered judgement by default, a jury was impanelled to assess the damages. Mr. Garrow painted, in forcible language, all the lamentable circumstances attending this distressing case of conjugal infidelity; and the jury, after hearing a speech in mitigation, gave the plaintiff a verdict, with *twenty thousand pounds* damages.

LORD PAGET'S AND LADY CHARLOTTE WELLESLEY'S CORRESPONDENCE.

When this unfortunate connec-

tion was publicly announced, colonel Cadogan wrote to lord Paget:

*"Cook's Hotel, Dover-street,
March 28, 1809.*

"My Lord—I hereby request you to name a time and place where I may meet you, to obtain satisfaction for the injury done myself, and my whole family, by your conduct to my sister.

"I have to add, that the time must be as early as possible, and the place not in the immediate neighbourhood of London, as it is by concealment alone I am able to evade the police.

"H. CADOGAN."

LORD PAGET'S ANSWER.

March 30, 1809.

"Sir—I have to acknowledge the receipt of your letter of the 28th inst. I have nothing to say in justification of my conduct towards your sister, but that it has been produced by an attachment perfectly unconquerable.

"She has lost the world upon my account, and the only atonement I can make is, to devote myself, not to her happiness (which, with her feeling mind, is, under the circumstances, impossible), but to endeavour, by every means in my power, to alleviate her sufferings. I feel, therefore, that my life is hers, not my own. It distresses me beyond all description, to refuse you that satisfaction, which, I am most ready to admit, you have a right to demand; but, upon the most mature reflection, I have determined upon the propriety of this line of conduct.

"My cause is bad indeed; but my motive for acting thus is good; nor was I without hopes, that you would have made allowances for this my very particular situation, and thereby have largely added to the extreme kindness you have already

ready shown to your sister upon this afflicting occasion.

"I have the honour to be,

"Sir, your obedient servant,

"PAGET."

COL. CADOGAN TO H. SLOANE, ESQ.

(His intended second.)

"*London, April 2, 1809.*

"My dear sir—I have availed myself of the very first moment in my power, to relieve you from the anxiety you have for some days past been feeling on my account, by assuring you that all communication between lord Paget and myself has ceased.

"And in order that what has passed may not be misrepresented, I herewith inclose copies of the only letters that have been exchanged; and I have to request, that you will show them, together with this letter, to any of my friends, or of your own acquaintance, that might wish to read them.

"When my sister, after a separation of a very few days, returned to lord Paget, and when I was convinced, by a variety of circumstances, that the fear of my resentment had no further effect in deterring her from that connexion, I could no longer restrain the impulse of my feelings, and immediately demanded that satisfaction from lord Paget, which the laws of my country do not afford, but which I had a right to ask, and he was equally bound to give me, for the injury he had done myself and my whole family. This satisfaction, however, lord Paget thought proper to deny me, alleging, as his letter expressed it, "that his life is not his own, but my sister's;" and thus making the very injury for which I demanded satisfaction, his excuse for not meeting me. It is not unknown to you, that I have

by concealment alone been able, for some time, to evade the vigilance of the police, who, having anticipated the step I was likely to take, are still continuing in pursuit of me. Under these circumstances, it would ill become me to apply, to the conduct of lord Paget, the expressions that my feelings at this moment dictate; and I shall therefore leave it to you and others to determine, whether the line he has thought proper to adopt on this occasion is, or is not, the most honourable. I remain,

"My dear sir,

"Yours most sincerely,

"H. CADOGAN."

"To H. Sloane, esq."

THE DUEL.

A meeting between lord Paget and colonel Cadogan took place, which terminated without bloodshed. The following account of the affair is given by the seconds, col. R. H. Vivian, and capt. G. C. M'Kenzie:—

"In consequence of a challenge having been received by lord Paget from col. Cadogan, and every attempt to prevent a meeting having failed, the parties attended by their respective friends, col. Cadogan by captain M'Kenzie of the navy, and lord Paget by lieut.-col. Vivian of the 7th light dragoons, met, as agreed, at seven o'clock, on Wimbledon Common. The ground having been taken at twelve paces distance, they were directed to fire together. Colonel Cadogan fired—lord Paget's pistol flashed; this having been decided to go for a fire, a question arose, whether lord Paget had taken aim, as if intending to hit his antagonist. Both the seconds being clearly of opinion that such was not his intention, (although the degree of obliquity he gave the direction

action of the pistol was such, to have been discovered only (particular observation), captain Kenzie stated to col. Cadogan, that, as it appeared to be lord Paget's intention not to fire at him, he could not admit of the affair proceeding any further. Lieutenant-colonel Vivian then asked col. Cadogan, whether he had not himself observed that lord Paget had not fired at him—to which he replied in the affirmative. Capt. M'Kenzie then declared his determination not to remain any longer in the field, to witness any further act of hostility on the part of col. Cadogan. Colonel Cadogan replied, of course, his conduct must be decided by his second; declaring, at the same time, that he had come prepared for the fall of one of the parties. On capt. M'Kenzie and lieutenant-col. Vivian making it known to lord Paget, that, as he evidently did not intend to fire at col. Cadogan, the affair could go no further, lord Paget replied, 'As such is your determination, I have now no hesitation in saying, that nothing could ever have induced me to add to the injuries I have already done the family, by firing at the brother of lady Charlotte Wellesley.'—On this the parties left the ground."

The melancholy consequences of criminal passion are fatally exemplified in the following correspondence:—

LATE LETTER OF LADY C. WELLESLEY TO MR. J. ARBUTHNOT.

"It would be the height of ingratitude, were I not to try to convey my thanks to Henry Wellesley, for his most kind and generous offer of taking home a wretch who was so much injured him. I dare not write to him myself; but I im-

plore it of you, to say every thing which gratitude and feeling can suggest, to express my sense of the kindness of his conduct. His note was forwarded to me this morning; but, degraded and unprincipled as I must appear in the eyes of every body, believe me, I am not lost to all sense of honour, which would forbid my returning to a husband I have quitted—to children I have abandoned. Indeed, indeed, my dear Mr. Arbuthnot, if you knew all, you would pity more than blame me. Could you tell all the resistance that has been made to this criminal, this atrocious attachment—could you know what are my sufferings at this moment, you would feel for me. Henry has not deserved this of me. We have had some differences, and he may, perhaps, sometimes have been a little too harsh to me; but I can with truth assert, and I wish you to publish it to the world, that, in essential, and, indeed, in trifling subjects, he has ever been kind to me in the greatest degree; nor has the person who may be supposed to have attempted to lower him in my estimation, in order to gain my affections, ever spoken of him to me, but in the highest terms of respect. About my dear, dear children, I must say one word. Do you think I dare hope, by any remote or indirect means, to hear sometimes of them? you know how much I love them! You are aware of their merits, and what I must feel at having quitted them; but I have the satisfaction, the inexpressible comfort of knowing, that they will be taken care of by their father, though their mother has abandoned them. My dear little Henry and Charles—Oh! God bless you! I wrote every thing to my brother last night."

"Tuesday

"Tuesday morning 7 o'clock.

"Since writing the inclosed, I have come to town, and, if it is not repugnant to your feelings, I think I should like to have one interview with you; but not if you object to it any way. The bearer can bring you to me instantly, if you will see me; but if not, ask no questions."

Mr. Henry Wellesley wrote to her, in answer to this letter to Mr. Arbuthnot—

"That, for the sake of her welfare, and that of her children, he would consent to receive her again, provided she would return and break off all correspondence or connexion with the person she was then with; but that she must return *instantly*, for the next day would be too late."

The result of this afflicting romance has been, that lord Paget returns to the bosom of his family without being compelled to relinquish lady C. Wellesley. He is to live with lady Paget, and has left town with her ladyship for Beaudesert in Staffordshire. Lady C. Wellesley is, however, to continue under his lordship's protection; he has purchased a house for her, in which she now resides, and has made a settlement upon her; while Mr. Wellesley is eagerly proceeding to obtain a divorce.

18. The thunder and lightning, which were but slightly felt in the metropolis, appeared most awfully tremendous in some parts of the country in its vicinity, particularly at Greenwich, Blackheath, &c. and on the opposite side of the Thames. A foreign ship, lying in the Gallions, below Woolwich, had her top and main-mast struck by a thunderbolt, which shivered them to pieces, killed one man, and wounded another.

POLICE—BOW-STREET.

20. Miss Mary York, a young lady about 24 years of age, was brought by Lavender before the sitting magistrate at this office, on a charge, under the black act, of a most extraordinary nature.—Robert Coombes stated, that on Sunday afternoon, about five o'clock, he was passing through Kempton Park, in Sunbury, and as he was looking at some young men playing at cricket, he heard a gun go off, and immediately saw the prisoner, miss Mary York, in a paddock, divided from the park by a paling, with a gun in her hand. He, in consequence, went up to the paling, and found Henry Parker there, speaking to miss York, and observing to her, that if she fired the gun off again in such a careless manner, he should come over the paling and take the gun from her. He heard her ask her servant what fellow that was? pointing towards him. The servant replied, she did not know. Miss York then said, "I shall take the liberty of firing at him," and presented the gun at him; it snapped twice. He then got behind a tree, to avoid its contents. She snapped the piece again, and it went off, presented at him. He saw miss York put shot into the gun out of a shot-belt, and saw her prime it with powder; her servant supplied her with powder to prime it. After the gun was fired, he and Parker got over the paling, and took the gun from her. Henry Parker, a carpenter, of Sunbury, confirmed the above, and said, as he was walking along the road, he saw miss York fire off the gun; her servant was close by her at the time: he observed the ball from the gun strike the gravel road about three paces before him: he, in consequence, went to the paling, and asked

asked her what she was firing at? He replied, that if he insulted her in her private walks, she would shoot him: the ball made an aperture through the paling. At this, the other witness, Coombes, came up to him, and jumped over the paling, and took the gun from her. The defence set up by miss York was, that the witness, Coombes, had made use of some very improper language to her, and had thrown some pieces of the paling at her, which induced her to send her servant for the musket, and she had discharged it at Coombes in her own defence. This was confirmed by the servant. Mr. Rolfe, the uncle of miss York, the proprietor of the house where she resides, and the joint proprietor of the park, attended in behalf of miss York, and, in extenuation of the conduct of his niece, stated, that there was no road through the park; and therefore the witnesses, and those who were playing at cricket, were committing a trespass: but he by no means justified the conduct of his niece, in discharging a musket at them. Mr. C. endeavoured to throw discredit upon the testimony of Coombes, insinuating that he was not a respectable character. The magistrate, however, did not consider any thing that had been said in defence, to amount to a justification of one of the most serious and outrageous acts that ever was committed, but would give the case another hearing, upon Mr. Rolfe undertaking for the future appearance of miss York and her servant, who, he conceived, had acted equally improperly, in fetching the gun, and in assisting in loading it. The prosecutors undertook to produce three witnesses to corroborate what they had stated. Miss

York is a strong, healthy-looking young woman. She was dressed in white, with a chip hat ornamented with a flower. She was accompanied by a female friend. Her maid-servant, who is implicated in the same charge, is a slight, delicate-looking girl.

LONDON GAZETTE EXTRAORDINARY.

Downing-street, May 24.

The following dispatch was received this evening, from sir A. Wellesley, by visc. Castlereagh:

Oporto, May 12.

My lord—I had the honour to apprise your lordship, on the 7th inst. that I intended that the army should march, on the 9th, from Coimbra, to dispossess the enemy of Oporto. The advanced guard and the cavalry had marched on the 7th, and the whole had halted on the 8th, to afford time for marshal Beresford, with his corps, to arrive upon the Upper Douro.—The infantry of the army was formed into three divisions for this expedition; of which, two, the advanced guard, consisting of the Hanoverian legion and brig.-gen. Stewart's brigade, with a brigade of six-pounders, and a brigade of three-pounders, under lieut.-gen. Paget, and the cavalry under lieut.-general Payne, and the brigade of guards, brig.-gen. Campbell's and brig.-gen. —'s brigades of infantry, with a brigade of six-pounders, under lieut.-gen. Sherbrooke, moved by the high road from Coimbra to Oporto; and one, composed of major-general Hill's and brig.-gen. Cameron's brigades of infantry, and a brigade of six-pounders, under the command of major-gen. Hill, by the road from Coimbra to Aveiro. On the 10th, in the morn-

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ing,

ing, before day-light, the cavalry and advanced guard crossed the Vouga, with the intention to surprise and cut off four regiments of French cavalry and a battalion of infantry and artillery, cantoned in Albergaria Nova and the neighbouring villages, about eight miles from that river, in the last of which we failed; but the superiority of the British cavalry was evident throughout the day; we took some prisoners and their cannon from them, and the advanced guard took up the position of Oliviera. On the same day, major-gen. Hill, who had embarked at Aveiro on the evening of the 9th, arrived at Ovar, in the rear of the enemy's right; and the head of lieut.-gen. Sherbrooke's division passed the Vouga on the same evening. On the 11th the advanced guard and cavalry continued to move on the high road towards Oporto, with major-gen. Hill's division in a parallel road, which leads to Oporto from Ovar. On the arrival of the advanced guard at Vandas Novas, between Sonto Redondo and Grijon, they fell in with the out-posts of the enemy's advanced guard, consisting of about 4000 infantry and some squadrons of cavalry, strongly posted on the heights above Grijon, their front being covered by woods and broken ground. The enemy's left flank was turned by a movement well executed by major-gen. Murray, with brig.-gen. Langworth's brigade of the Hanoverian legion; while the 16th Portuguese regiment of brig.-gen. R. Stewart's brigade attacked their right, and the riflemen of the 95th, and the flank companies of the 29th, 43d, and 52d, of the same brigade, under major Way, attacked the infantry in the woods and villages in their

centre. These attacks soon obliged the enemy to give way; and the hon. brig.-gen. C. Stewart led two squadrons of the 16th and 20th dragoons, under the command of major Blake, in pursuit of the enemy, and destroyed many, and took many prisoners. On the night of the 11th, the enemy crossed the Douro, and destroyed the bridge over that river. It was important, with a view to the operations of marshal Beresford, that I should cross the Douro immediately, and I had sent major-gen. Murray, in the morning, with a battalion of the Hanoverian legion, a squadron of cavalry, and two six-pounders, to endeavour to collect boats, and, if possible, to cross the river at Ovintas, about four miles above Oporto; and I had as many boats as could be collected brought to the ferry, immediately above the towns of Oporto and Villa Nova. The ground on the right bank of the river, at this ferry, is protected and commanded by the fire of cannon, placed on the height of the Sierra Convent, at Villa Nova; and there appeared to be a good position for our troops on the opposite side of the river, till they should be collected in sufficient numbers. The enemy took no notice of our collection of boats, or the embarkation of the troops, till after the first battalion (the buffs) were landed, and had taken up their position, under the command of lieut.-gen. Paget, on the opposite side of the river. They then commenced an attack upon them, with a large body of cavalry, infantry, and artillery, under the command of marshal Soult, which that corps most gallantly sustained, till supported successively by the 48th and 66th regiments, belonging to major-gen. Hill's brigade, and

and a Portuguese battalion, and afterwards by the first battalion of detachments belonging to brig.-gen. R. Stewart's brigade. Lieut.-general Paget was unfortunately wounded soon after the attack commenced, when the command of these gallant troops devolved upon major-general Hill. Although the French made repeated attacks upon them, they made no impression; and at last maj.-gen. Murray having appeared on the enemy's left flank, on his march from Oventas, where he had crossed, and lieut.-gen. Sherbrooke, who by this time had availed himself of the enemy's weakness in the town of Oporto, and had crossed the Douro at the ferry between the towns of Villa Nova and Oporto, having appeared upon the right, with the brigade of guards, and the 29th regiment, the whole retired, in the utmost confusion, towards Amaranthe, leaving behind them five pieces of cannon, eight ammunition tumbrils, and many prisoners. The enemy's loss in killed and wounded, in this action, has been very large, and they have left behind them in Oporto 1000 sick and wounded. Brig.-gen. the hon. C. Stewart then directed a charge by a squadron of the 14th dragoons, under the command of major Hervey, who made a successful attack on the enemy's rear-guard. In the different actions with the enemy, of which I have above given your lordship an account, we have lost some, and the immediate services of other valuable officers and soldiers. In lieut.-general Paget, among the latter, I have lost the assistance of a friend, who had been most useful to me in the few days which had elapsed since he had joined the army. He had rendered a most important service at the moment he received

his wound, in taking up the position which the troops afterwards maintained, and in bearing the first brunt of the enemy's attack. Maj. Hervey also distinguished himself at the moment he received his wound, in the charge of the cavalry on this day. I cannot say too much in favour of the officers and troops. They have marched, in four days, over eighty miles of the most difficult country, have gained many important positions, and have engaged and defeated three different bodies of the enemy's troops.

[Sir Arthur then recommends to the particular attention of his lordship, the services of lieut.-gen. Paget, major-generals Murray and Hill, brig.-gen. C. Stewart, lieut.-gen. Sherbrooke, lieut.-colonel Delancy, and captain Mellish, of the 10th; and of colonel Duckworth, lieut.-colonel Drummond, major C. Campbell, brigade-major Fordyce, captains Corry and Hill, on the 11th; as well as majors Way, Blake, Murray, and Hervey; quarter-master col. Murray, lieut.-col. Bathurst, and all the officers of his personal staff. The exemplary bravery of the buffs, 48th, 66th, 29th, 43d, and 52d regiments, with the 16th and 20th light dragoons, are also mentioned in high terms of commendation.]

I send this dispatch by captain Stanhope, whom I beg to recommend to your lordship's protection; his brother, the hon. major Stanhope, was unfortunately wounded by a sabre, whilst leading a charge of the 16th light dragoons, on the 10th instant.

ARTHUR WELLESLEY.

THE MERMAID SEEN ON THE COAST
OF CAITHNESS.

Letter from miss Mackay, daughter
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ter of the rev. David Mackay, minister of Reay, to miss Innes Dowager, of Salside :

“ *Reay Manse, May 25, 1809.*

“ Madam — To establish the truth of what has hitherto been considered improbable and fabulous, must be at all times a difficult task, and I have not the vanity to think that my testimony alone would be sufficient for this purpose; but when to this is added that of four others, I hope it will have some effect in removing the doubts of those, who may suppose that the wonderful appearance I reported to have seen in the sea, on the 12th of January, was not a mermaid, but some other uncommon, though no less remarkable, inhabitant of the deep. As I would willingly contribute to remove the doubts of the sceptical on this subject, I beg leave to state to you the following account, after premising, that my cousin, whose name is affixed along with mine, was one of the four witnesses who beheld, with me, this uncommon spectacle.— While she and I were walking by the sea-shore, on the 12th of January, about noon, our attention was attracted, by seeing three people, who were on a rock at some distance, showing signs of terror and astonishment at something they saw in the water; on approaching them, we distinguished that the object of their wonder was a face, resembling the human countenance, which appeared floating on the waves; at that time, nothing but the face was visible: it may not be improper to observe, before I proceed further, that the face, throat, and arms, are all I can attempt to describe; all our endeavours to discover the appearance and position of the body being unavailing. The sea at that time ran very high, and, as the

waves advanced, the mermaid gently sank under them, and afterwards reappeared. The face seemed plump and round, the eyes and nose were small, the former were of a light gray colour, and the mouth was large, and, from the shape of the jaw-bone, which seemed straight, the face looked short. As to the inside of the mouth, I can say nothing, not having attended to it, though sometimes open. The forehead, nose, and chin, were white; the whole side-face of a bright pink colour. The head was exceedingly round; the hair thick and long, of a green oily cast, and appeared troublesome to it, the waves generally throwing it down over the face; it seemed to feel the annoyance, and, as the waves retreated, with both hands frequently threw back the hair, and rubbed its throat, as if to remove any soiling it might have received from it. The throat was slender, smooth, and white; we did not think of observing whether it had elbows, but, from the manner in which it used its arms, I must conclude that it had. The arms were very long and slender, as were the hands and fingers; the latter were not webbed. The arms, one of them at least, was frequently extended over its head, as if to frighten a bird that hovered over it, and seemed to distress it much; when that had no effect, it sometimes turned quite round several times successively.— At a little distance we observed a seal. It sometimes laid its right hand under its cheek, and in this position floated for some time.— We saw nothing like hair or scales on any part of it; indeed, the smoothness of the skin particularly caught our attention. The time it was discernible to us was about an hour. The sun was shining

shining clearly at the time; it was distant from us a few yards only.—These are the few observations made by us during the appearance of this strange phenomenon. If they afford you any satisfaction, I shall be particularly happy; I have stated nothing but what I clearly recollect. As my cousin and I had frequently, previous to this period, combated an assertion, which is very common among the lower class here, that mermaids had been frequently seen on this coast, our evidence cannot be thought biassed by any former prejudice in favour of the existence of this wonderful creature. To contribute, in any degree, to your pleasure or amusement, will add to the happiness of,

“Madam,

“Your greatly obliged,

(Signed) “ELIZ. MACKAY.

“C. MACKENZER.”

26. Between ten and eleven at night, a fire was discovered on the premises of Mr. Seabourne, a block-maker, in Narrow-street, Limehouse. From the combustible nature of the stock in this and the adjoining workshop, warehouses, &c. together with the narrowness of the street, the flames extended with the utmost rapidity on both sides of the way; and notwithstanding the most prompt and vigorous exertions of the firemen, both by land and water, in about two hours' time the following houses, together with an immense quantity of masts, yards, blocks, sail-cloth, pitch, tar, &c. were totally consumed: 1. Mr. Seabourne's dwelling-house, workshop, &c. 2. The shop, loft, and store-house of Mr. Wisborg, sail-maker and ship-chandler, adjoining the former on the western side. 3. The dwelling-house and work-places of Mr. Bell, boat-builder, in the same di-

rection, up to the open landing-place at Ratcliff-cross. 4. The dwelling-house of capt Estaby, of the ballast-office, on the eastern side of the first-mentioned house. 5. The Ship in Distress, a public-house, kept by a person of the name of Stevens, on the opposite side of the way. 6. A private house, adjoining the latter, occupied by a gentleman of the name of Jewsey.—The ballast-office, next door to capt. Estaby's, a lodging-house on the opposite side of the way, belonging to a person of the name of Seale, and some others, were very much damaged.

COURT OF KING'S BENCH.

The king v. Valentine Jones.

The attorney-general stated, that this was an indictment against the defendant, charging him with a breach of duty, in his character as commissary-general in the West-Indies, and superintendant and director of army provisions, appointed by his majesty in 1795. The indictment stated, that the defendant, having the several allowances of 2*l.* and 3*l.* per day, and it being his duty to provide stores for his majesty, and not to receive any part of the emoluments or gains arising from the provision of such stores, entered into a corrupt agreement with one Matthew Higgins, in pursuance of which, he received to his own use a moiety of the profits arising from such provision.

The right hon. George Rose proved the appointment of the defendant, and that he had admonished him as to the duties of his situation; telling him that he was expected to derive no advantage from the situation, but his pay and certain allowances for provisions. The pay and half-pay had lately

been increased, to insure the strictest fidelity.

A letter from the defendant, to Mr. Michael Sutton, dated 1796, acknowledging his consciousness of the terms of this agreement with Mr. Rose, was then proved, put in, and read.

Mr. Matthew Higgins said, he was a merchant in the West-Indies in the year 1796, and had a contract with brigadier-general Knox, when he had the command there, for supplying government vessels. Mr. Hugh Rose acted as deputy-paymaster there. He first heard that the defendant was coming out as commissary in 1796, while his contract with brigadier-general Knox subsisted. Upon the defendant's arrival, the witness supposed his contract at an end: in consequence of this apprehension, he applied to Mr. Hugh Rose, as he was on terms of intimacy with the defendant, to ask him to speak to the defendant not to take the contract from the witness. The witness at length saw the defendant, and repeated to him the conversation between Mr. Hugh Rose and himself. After this, Mr. Hugh Rose told the witness he had arranged the business with the defendant, and that the witness was to have the contract; adding, that he was obliged to make terms with the defendant, who insisted *upon having half of the emoluments arising from that contract*, and that the other moiety should be divided between Hugh Rose and the witness. The witness at first said he would have nothing to do with this arrangement; but Mr. Rose told him he was very wrong, and that there were many ready and willing to take the contract upon those terms. Mr. Hugh Rose told him, the loss the witness would sustain, in giving

up so much of his contract, would be made up to him in supplies; so that whatever supplies were wanted for government, he should furnish them, the profits of them being applied in the same manner as those of the vessel-contract. This conversation took place on board a ship: and, when it was finished, Mr. Hugh Rose said the defendant was in the cabin, and desired the witness to go down to him; which he did, for the purpose of mentioning his acquiescence in the terms of the agreement. The defendant assented by inclination of the head rather than by any expression. The witness, for nine or ten months after this, went on with the vessel contract, and supply of stores, to a very great extent. The witness saw an account-book, which he was now shown, in the West Indies, in March or April 1797; he settled accounts with the defendant on the footing of that book, on the 31st of March. He stated to the defendant the account of profit and loss as upon that book. When the defendant and the witness settled, the defendant paid him 153,273*l.* 17*s.* 10*d.* short.

Upon examination by lord Ellenborough, the witness said, that he had no doubt of the agreement being understood by the defendant, and that the accounts were settled by it.

Mr. Nathaniel Winter was in the house of T. Higgins and Co. merchants in the West Indies, at the time of these transactions. By the desire of Mr. Matthew Higgins, he informed himself, from the books, what Mr. Higgins's profits were; and Mr. Higgins told him, if the defendant should call, to show him the statement of the profits on the books; the defendant did call, and the witness gave him an account on paper,

paper, which he looked at, but the witness could not exactly recollect whether he took it away: if he were called on for a decided answer one way, he should say he did.

Upon cross-examination, he said, the witness's house, that of T. Higgins and Co., purchased goods for Mr. M. Higgins at a commission. There were accounts rendered to the defendant from Mr. M. Higgins with false names. The witness had applied to persons, to put false names to such accounts.

A letter, which had been before proved to be in the hand-writing of the defendant, was then put in and read. It was addressed to the acting commissary-general of Barbadoes, and was written shortly after the West India inquiries had been instituted. It told the acting commissary, that, if he were asked any thing about the defendant, he had time to make out any thing that was necessary; and desired him to be circumspect, not to give answers on the defendant's general business, or to make a hasty or incautious statement of facts. It went on—"For Heaven's sake, do not be unmodelling my accounts again, as they cost me more trouble than I ever had with any thing; and they desire no better than to perplex me. If you can better them, do so."

Mr. Dallas, in a long speech, insisted, that the jury could not find the defendant guilty merely from Mr. Higgins's evidence, whom he conceived an accomplice.

The attorney-general, in reply, stated, that Mr. Higgins was not an accomplice, inasmuch as he was not a public officer. He said, the money which had passed through the defendant's hands, in this nefarious agreement, amounted to nearly a million sterling; the pro-

fits on this sum were 300,000*l.*; so that a profit of 30*l.* per cent. had been tacked on to the 5*l.* per cent. which the house of T. Higgins and Co. made on the purchases, and which, if the defendant had possessed common honesty, he might have rendered to government at that 5 per cent. Government had thus been defrauded of 30*l.* per cent. upon an expenditure of nearly a million, and this in consequence of the corrupt agreement between the defendant and the contractor, which had been so abundantly proved.

After a charge from lord Ellenborough, the jury found the defendant *Guilty*. The trial lasted from nine in the morning until five in the afternoon.

26. A fire broke out in the house of Mr. Smeeton, printer, St. Martin's-lane, which raged for some time with such fury, that it was deemed advisable to remove the furniture from the adjoining houses.

29. An inquisition was taken at the Crown public-house, Duke's-court, St. Martin's-lane, before A. Gell, esq. the coroner for Westminster, on the mutilated remains of Mr. Joseph Smeeton and Eliza his wife, who were burnt in their dwelling-house in St. Martin's-lane.—The principal witness was William Bird, the senior of Mr. Smeeton's three apprentices, and by whose promptitude and presence of mind four persons were prevented from perishing. It appeared that Joseph Thornton, a watchman, was the first who discovered the flames on the ground-floor, at the back of the house. He in vain attempted to alarm the family, although he knocked and rang with all his power. The flames at that time seemed to be confined to the ground-floor.

floor. It appeared by the testimony of Bird, that his master and mistress slept over the warehouse, which was on the ground floor, where the flames were seen raging by the watchman. The witness was awakened by an engine passing down the street, and he rose to go on the top of the house to see where the fire was. On opening his bedroom door, which was in front on the second floor, he was half suffocated with smoke: on this he burst open the bedroom door where his two fellow apprentices slept, and also that of Ann Farley, the maid servant, and he sent them all up stairs, to escape by a trap door at the top of the house. Mr. Smeeton's bedroom was down a private stair-case, the door of which Bird also forced, and it fell to the bottom of the stair-case with a great crash. He dared not attempt to go down stairs, but continued to call "Master," until the flames reached him: he fancied the stair-case was giving way. The three other fugitives were in the meanwhile standing, nearly senseless, through suffocation, at the trap-door, which they were unable to open; but Bird forced it, and the four persons escaped over the tops of the houses. It was not known how the fire happened; the maid-servant went to bed at half past eleven, and her master was in the warehouse, and Mrs. Smeeton was in the drawing-room. Mr. S. had dined at Battersea, but he was sober. It was supposed he had gone into the warehouse to deposit a 200*l.* note in an iron chest, which chest was picked from the ruins, and the notes it contained were legible. The unfortunate couple had been married three months.

Verdict, *Accidental Death.*

A great part of the cliff-land in the Isle of Sheppy, about 500 feet in length and 150 feet in breadth, lately gave way, and sunk into a valley, carrying with it part of the dwelling-house, cow-house, and other out-houses adjoining, called Bugsby-hole.

During a most violent storm of thunder and lightning, a large fire-ball fell in a south-eastwardly direction upon the premises of Mr. Parker West, Paul-street, Stamford; and after rending a poplar-tree from top to bottom, passed in an oblique direction through the wall of a neighbouring out-building, and made its way out at the door into a small yard, where, having spent its force, it vanished in sulphureous smoke. Two persons were knocked down by the concussion of air, and a third was electrified.—Mr. Everard, of Barnhill, also had a large shed thrown down by the shock of one of the tremendous claps of thunder, which were louder than any recollected ever to have been heard.—Two sheep belonging to Mr. Nicholls of Thurlby were killed: one of them was stricken on the back, and the wool was taken off as if it had been shorn.

At Cheltenham the storm was extremely violent. About two in the afternoon the storm began; the lightning was almost as bright as at midnight, and three tremendous cracks of thunder, apparently directly over the town, seemed to threaten the destruction of every house: many imagined it was an earthquake. The rain fell in torrents; but this was partial, as in the neighbourhood, in many places, it was only a slight shower. The storm continued about half an hour at its height.—About three, a bean-

rick

rick of Mr. Long's, at Boddington, was discovered to be on fire; the flame was spreading across the top, and descending down one side; a proof that the fire was occasioned by lightning.

Portsmouth, May 22.

The court martial assembled on-board the *Gladiator*, for the trial of rear-adm. Harvey, on charges which impute disrespect to his superior officer, admiral lord Gambier, commander in chief of the Channel fleet, and which charges are comprised in two letters addressed to the secretary of the Admiralty. The first letter stated, that when he (lord Gambier) had informed rear-admiral Harvey that the admiralty had ordered lord Cochrane to be employed in attempting to destroy the enemy's fleet in Basque roads, the rear-admiral declared in the most violent and disrespectful manner, and desired lord Gambier to consider it as official communication, that, if he was passed by, and lord Cochrane, or any junior officer, appointed in preference, he should immediately desire to strike his flag, and resign his commission. In the progress of the conversation the rear-admiral complained of his having been neglected both by lord Gambier and other members of former boards of admiralty; and declared, that he had differed with him with respect to his conduct in the command of the fleet, and that he would impeach him for misconduct and bad management. The second letter requested a court martial to be held upon rear-adm. Harvey. Lord Gambier, sir H. B. Neale, captains Beresford and Bowen, and lord Cochrane, were severally examined in support of the charges. The latter admitted that adm. Harvey had said he was no

canting methodist, no hypocrite, nor no psalm-singer; but it was evidently unpremeditated, and arose from the warmth of his feelings at the moment. At half-past nine on Tuesday the court reassembled, when the rear-admiral shortly stated his intention not to trouble the court with calling any witnesses; but delivered in a paper which he desired to be read. This request was complied with. In the paper the rear-admiral observed, that the charges had not been sustained; that he could not justify one part of his conduct, for which he offered an apology to the court; that for the offence he had given to lord Gambier, he had already offered an apology satisfactory to his feelings; that his remarks had been made to officers of rank only, and at a time when he was greatly irritated, in consequence of his offer of attacking the French fleet having been passed over without any acknowledgment of its having been made: in fine, that excess of zeal, and impatience of restraint, where an opportunity of enterprise presents itself, although faults, are such as the most eminent naval commanders have not been free from; and the effects of these are all that can be found blameable in his conduct. To the paper were appended two letters; one from adm. Collingwood, the other from earl St. Vincent, both acknowledging, in high terms, the meritorious services of rear-admiral Harvey. After a short deliberation, the deputy judge advocate declared, that the court were of opinion that the charge of using insulting language to lord Gambier, as well as speaking disrespectfully of him to several officers, had been proved; and adjudged rear-adm. Harvey to be dismissed his majesty's service.

AUSTRIAN OFFICIAL BULLETIN OF
THE DEFEAT OF THE FRENCH.

In pursuance of the command of his imperial highness the generalissimo, the following preliminary report of the brilliant victory obtained the 21st and 22d of May was issued on the 23d from the head-quarters at Breitenlec.

“On the 19th and 20th, the emperor Napoleon passed the greater arm of the Danube, with the whole of his army, to which he had drawn all the reinforcements of his powerful allies. He established his main body on the island Lobau, whence the second passage over the less arm and his further offensive dispositions were necessarily to be directed.

“His imperial highness resolved to advance with his army to meet the enemy, and not to obstruct his passage, but to attack him after he had reached the left bank, and thus to defeat the object of his intended enterprise.

“This determination excited throughout the whole army the highest enthusiasm. Animated by all the feelings of the purest patriotism, and of the most loyal attachment to their sovereign, every man became a hero; and the smoking ruins—the scenes of desolation which mark the track of the enemy in his progress through Austria—had inflamed them with a just desire of vengeance. With joyful acclamations, with the cry, a thousand times repeated, of “Live our good emperor!”—and with victory in their hearts, our columns at noon on the 21st proceeded onward to meet the reciprocal attack of the advancing enemy, and soon after three o'clock the battle commenced.

“The emperor Napoleon in person directed the movements of his troops, and endeavoured to break

through our centre with the whole of his cavalry; that vast body of horse he had supported by 60,000 infantry, his guards, and 100 pieces of artillery. His wings rested on Aspern and Esslingen, places, to the strengthening of which, the resources of nature and of art had, as far as was possible, contributed.

“He was not able, however, to penetrate the compact mass which our battalions presented, and everywhere his cavalry showed their backs, while our cuirassiers unhorsed his armour-equipped cavaliers, and our light horse carried death into his flanks.—It was a gigantic combat, and is scarcely capable of description.

“The battle with the infantry became immediately general. More than 200 pieces of cannon exhibited on the opposite sides a rivalry in the work of destruction. Aspern was ten times taken, lost, and again conquered. Esslingen, after repeated attacks, could not be maintained. At 11 at night the villages were in flames, and we remained masters of the field of battle. The enemy was driven up in a corner with the island of Lobau and the Danube in his rear. Night put an end to the carnage.

“Meanwhile fire-boats, which were floated down the Danube, destroyed the bridge which the enemy had thrown over the principal branch of the river. The enemy, however, conveyed over during the night, by continued embarkation, all the disposable troops which he had in Vienna, and on the Upper Danube made every possible effort for the reconstruction of his great bridge, and attacked us at four in the morning with a furious cannonade from the whole of his artillery, immediately after which the action extended

extended along the whole of the line. Until seven in the evening, every attack was repelled. The perseverance of the enemy was then compelled to yield to the heroism of our troops, and *the most complete victory* crowned the efforts of an army, which, in the French proclamation, was declared to be dispersed, and represented as annihilated by the mere idea of the invincibility of their adversaries.

“The loss of the enemy has been immense; the field of battle is covered with dead bodies, from among which we have already picked up 6000 wounded, and removed them to our hospitals.

“When the French could no longer maintain themselves in Aspern, the brave Hessians were obliged to make a last attempt, and were sacrificed.

“At the departure of the courier the emperor Napoleon was in full retreat to the other side of the Danube, covering his retreat by the possession of the large island of Lobau. Our army is still engaged in close pursuit.

“The more particular details of this memorable day shall be made known as soon as they are collected.

“Among the prisoners are the French general Durosnel, general of division, and Foulet Reyer, first chamberlain to the empress; also the Wurtembergh general Roder, who was made prisoner at Nussdorf by the second battalion of the Vienna landwehr (militia.)”

JUNE.

COURT OF CHANCERY.

An application was made on the part of the guardians of a young boy, who it was stated had, during the vacation of the Charter-house school, been seduced by his mo-

ther, who had married a second husband, from the house of his guardian, to have the boy restored to the custody of the petitioner, that he might continue to receive his education in the same manner as while at school,

Mr. Alexander, for the mother, stated, that she had called to see the boy, and that natural affection had induced him to prefer residing with her during the few days of vacation which the school allowed. She had not the most distant wish to take her son from under the care of his guardian.

On being informed that the period of the vacation was not above eight or ten days, the lord chancellor said, that he did not think himself entitled to interfere for the purpose of preventing the mother from having for that short period the company of her child. Her subsequent coverture did not so far deprive her of her maternal rights. As to the idea of the boy's being deprived of the benefits of his usual course of education, vacations were intended for the relaxation of the youthful mind, not for the exaction of the usual daily task.

His lordship therefore refused the application.

Brighton, June 3.

“This has been one of the most tempestuous days ever remembered here. The number of mackerel boats belonging to this place are twenty-two, twenty of which unfortunately were at sea. In the course of the morning, four of them, at great hazard and difficulty, ran on shore, and were preserved. An equal number, we have since heard, were similarly successful at Lancing. At about two o'clock P.M. the boat of J. Priest, on board of which were his brother, W. Priest, a son of the latter, and two men, of the names

names of Wm. Leech and J. Serjeant, were seen within a mile of the town, making every possible effort to gain the shore. Their endeavours, however, were not successful; a tremendous wave upset the boat, and all on board perished, within sight of hundreds of spectators on the cliffs. The poor fellows, as the boat did not immediately sink, but floated keel upwards, were seen, soon after the accident, on her bottom; but the waves were too turbulent and powerful to permit them long to remain there, and human assistance could afford them no relief. One of the poor fellows, J. Serjeant, partly buoyed up by a bundle of nets which he grasped, appeared within about twenty yards of the shore, and a very numerous body of the fishermen, enlinked with ropes, that the sea might not wash away the extremity, or sever the line they had formed, tried every possible means to save him. At times they were within a yard or two of their object, who occasionally clasped his hands together, as beseeching them to continue their exertions. Serjeant, however, was not to be rescued from the devouring element—for the nets which had previously supported, in the end twined round him. The drowning man, in the agonies of death, at the moment, had just strength left feebly to ejaculate, “My heart is gone;” then clasping his hands together, and raising his eyes towards Heaven, he sunk to rise no more. Three widows and 18 children are left almost friendless by this shocking catastrophe. Of the *Mayflower*, which upset in endeavouring to get into Shoreham harbour, John Spicer only was drowned. At Hastings, it is understood, the storm was more severely felt among the fishermen than at Brighton, no less

than twenty, it is said, belonging to that town having lost their lives.

3. About nine in the morning division of the Northamptonshire militia, under the command of lieut.-col. Isham, marched into Halsted. A number of men, women, and children, having assembled, one of the latter ran against a very spirited charger rode by the colonel, which taking fright, immediately plunged into the crowd, in consequence of which two persons had their ribs broken, 11 were severely bruised, and near 20 others received some injury. Col. Isham, with the greatest liberality and feeling, immediately ordered every attention to be paid to the sufferers among whom he distributed money, desired that surgical assistance might be administered at his expense, and left a further sum to provide necessaries, and as a means of support till their recovery.

8. Two inquests were held at the house of Benjamin Perry, called the Brill House, Skinner-street, Sommers Town, in the parish of St. Pancras, before George Hodgson, esq. one of the coroners for the county of Middlesex, on the bodies of Sarah the wife, and Henry the son, of Samuel Darvey, of the same street, shoemaker. The principal witness was Elizabeth Blackman, mother of the deceased woman. She was extremely affected, and told her story in the most plain and feeling terms. Her statement was corroborated by the testimony of James Davies, a butcher, who lived next door. The substance of the evidence was this:—The deceased woman was thirty-six years of age, and her child only six months old; the unhappy man was thirty-seven. He had been afflicted with insanity a long while ago, and

and was twice confined in St. Luke's. He returned to his family about two years ago, and ever since his intellects were in a fluctuating state, sometimes regular, and sometimes deranged: in the month of June his brain was observed to be most particularly distracted. He had made different attempts upon the life of his wife, though it was observed that he loved her and his children most affectionately. He was an uncommonly sober and industrious man, but when his work grew slack, he became apprehensive lest he should see his wife and children starve; at the same time he scorned to apply to the parish for relief, and when advised to do so, he would say, "No, I would destroy myself first." He had had hardly any work for some time back, and it was known that the family had sometimes gone twenty-four hours or upwards without sustenance of any kind. About a fortnight ago he observed that he felt his unfortunate malady come on; for the last week he took no rest by night, and enjoyed no conversation by day—he was heard frequently to mutter, "A pigeon here and a pigeon there, lay all alike; all lie alike,"—On Sunday night he wanted the old woman to go up-stairs in their small house (consisting of two rooms), to sleep in the room with him and his wife. Providentially the two eldest children, who slept with the old woman, were in bed, and she did not go up until Monday night. He was then overpowered with the want of rest, and did not awaken until six in the morning; the old woman then awakened without hearing any noise. She saw the child dead, and her daughter nearly so. After some struggling, she wrested the handle of a hatchet from his hand, with which he had committed the

horrid deed, and a broom handle with a knife-blade at one end and a piece of lead at the other, which he kept to protect himself against being taken again to St. Luke's. He threatened her life also, and would have done the same to the whole family, she believed, if he had not been stopped. The old woman had the presence of mind first to turn the two eldest children down stairs. They gave the alarm. Davies and other neighbours came in; the man (Davey) drew a razor cross-ways opposite his throat, but never touched it. The woman lingered for half an hour: she was stabbed with a knife, her head almost severed in two with the hatchet, and was severely bruised with the lap-stone. The head of the poor infant was crushed to a mummy. The coroner observed, that notwithstanding there was to his mind abundant proof of insanity, yet that, as the man had evidently taken the life of two fellow-creatures, and those such as he was bound by law and by nature to protect and cherish, in his opinion it would not be prudent for them to discharge that guilt by returning a verdict of insanity. If they returned a verdict of Murder, the man would be secured, and taken to trial before a proper tribunal, where there was no doubt he would be properly taken care of, and there could be little doubt as to the decision. The jury then returned a verdict of Wilful Murder on each case, against Samuel Davey. The inquest sat from one till half after four o'clock.

13. A lamentable accident occurred on-board the Aigle frigate, lying in Hamoaze. As two marines (both of the same name) were playing on the gang-way, the younger one gave the other a push, which caused him to fall over-board; when the

the unintentional author of the catastrophe (who was sentinel on deck), being alarmed, threw down his musket, pulled off his coat, and plunged in after him: they struggled with the waves—the boat was lowered down—but before those in her could render any assistance, they went to the bottom!

This morning a great number of gentlemen and agriculturists met his grace the duke of Bedford at the Park farm, Woburn. They viewed the South-down tups and the Devon and Hereford catile. Several agricultural implements were exhibited: Mr. Pasmore, from Doncaster, had a chaff-cutter, and a small machine to grind and dress flour by hand; Mr. Braby, London, showed a chaff-cutter, turn-wrist plough, and a common swing-plough. After dinner the company returned to the Park farm, to be present at the sale of his grace's South-down sheep.—On Tuesday, at 12, the gentlemen set off to a farm of the duke's, about a mile from the Abbey, to be present at the ploughing-match. Seven ploughs started for the silver cup offered by his grace to the proprietor of the best plough, and two guineas to the holder. The ploughing continued till about half past two, when the company went to the Park farm, and, after a short time spent in viewing the agricultural implements, they retired to the Abbey to dinner; after which the company returned to the farm, and examined several machines which were working in the rick-yard. In addition to others, Mr. Shepherd had brought a portable thrashing machine, worked by two horses, the invention of Mr. Salmon, and improved by Mr. Shepherd. Mr. Plenty showed a patent plough; Mr. Rowntree, a patent churn,

which attracted considerable notice. Mr. Snowden, a patent chaff-cutting machine; an instrument to ascertain the draught of ploughs, by Mr. Braby; a model of a windmill for draining fen-land, by Mr. W. Beighton.—On Wednesday the amateurs viewed the carcasses of the prize wethers which had been exhibited alive the preceding day. The duke of Bedford and the company then adjourned to the Park farm, and employed the morning in viewing and examining the implements—tups exhibited for the prizes—the boars—and the sheep-shearers, each of whom had a sheep allotted to him to shear for the prize. At three o'clock the company returned to the Abbey to dinner; after which his grace delivered the premiums according to the recommendations of the judges appointed for the several subjects.

The bishop of Landaff, in order to afford a convincing proof that the larch will in this climate flourish on barren and exposed tracts of ground, planted, in 1804 and 1805, 322,500 larch-trees, on the two contiguous mountains of Birkfell and Gomershaw, in Lancashire. The plantations were well fenced with stone-walls, and the trees are now in the most flourishing condition. The Society of Arts, to encourage similar plantations, voted his lordship the gold medal.

Lord Boringdon has lately added very considerably to the value of his estate in Devonshire, by gaining from the sea, by means of an embankment, 175 acres of land, formerly known by the name of Chelson Bay. The work was undertaken in the spring of 1806, and completed in the autumn of 1807. The expenses amounted to 9000*l.* and the regained land is valued at upwards of 25,000*l.*

SWEDEN.

ABDICATION OF GUSTAVUS KING
OF SWEDEN, AND ELECTION OF A
SUCCESSOR.

The members of the states met at an early hour on the 10th of May at Stockholm; when the regent having ordered the lord chancellor to read aloud the act of abdication, voluntarily made by the unfortunate Gustavus on the 29th March, baron Mannheim addressed the assembly; and, after drawing an affecting picture of the situation to which Sweden was reduced by the king's passion for war, renounced all allegiance and obedience to the person and authority of Gustavus IV. and declared him and his issue, now and for ever, deprived of the crown and government of Sweden. This declaration was received with shouts, and adopted by the constitutional representatives of the Swedish nation, without a dissentient voice. The prince regent then declared that it would be necessary to remodel the constitution, for which purpose a committee was appointed.

By a report from gen. baron Wrede, commander-in-chief of the northern army, dated headquarters, Hernosand, the 22d May, 1809, it appears, that lieut.-col. Fummark, with a detachment of 600 men belonging to the regiments of West Bothnia and Wasa, was on the 17th of this month attacked and surrounded by a Russian corps, upwards of 2000 men strong, unexpectedly, which had crossed the ice, and, after a vigorous resistance, compelled to surrender in the vicinity of Bure; but that the Russians have not since made any further progress, in consequence of the warmth of the weather having rendered the ice impassable.

The duke regent issued an edict

on the 1st inst. by which he orders all Swedish subjects, belonging to the militia, who are absent on leave, to rejoin their regiments. He declares in this edict, that although he has offered to the enemies of Sweden the fairest and most equitable terms of peace, yet they have not been accepted either by Russia or Denmark; both these neighbouring powers having refused to enter into any negotiations on that important subject, and the former having even recommenced hostile operations against Sweden: he adds, that under all circumstances, it is unavoidably requisite to employ the whole military force of the country to repel the threatened invasion; and that he accordingly feels obliged to call all the militia to arms, and trusts that the known valour of the people of Sweden will ultimately succeed in asserting her independence, and obtaining peace.

COURT OF COMMON PLEAS.

*Collins v. sir Richard Phillips, knt.
and Christopher Smith, esq. late
sheriffs.*

22. This was an action of trespass brought by the plaintiff, a glass-manufacturer in the Strand, against the defendants, as sheriffs of Middlesex, for the seizure of a number of articles in cut-glass, the property of the plaintiff, and in his house, under an allegation that they were the property of his royal highness the duke of Sussex. The point to be decided then was, whether or not the glass in question belonged to his royal highness.

To ascertain the fact, the royal duke was sworn and examined; and his royal highness stated, that as he had not at that time (nor we believe ever since) an establishment of his own, he had ordered, upon a par-

a particular occasion, a service of glass, in the month of January 1807, to be sent by the plaintiff to his apartments in Kensington palace, which he considered and intended to have been sent upon hire. He had also ordered from the plaintiff a service of cut-glass on purchase, but never had seen any part of it. Whether any of the glass sent on hire was intended to complete the order for purchase, he could not tell; but he certainly conceived the glass sent to him on the 21st January, 1807, as on hire. His royal highness was then shown a bill of parcels; but, on interrogation, he could not state that it specified any of the articles sent to the palace.

Two servants of Mr. Collins proved that they had been sent down to the palace to take care of the glass while there; that it was never out of their sight, save during dinner; and after the entertainment it was given back to their care, and conveyed to Mr. Collins's house; and they considered it was only hired to the duke. They could not speak positively as to the value. They, however, proved that one of the vases in the service was valued at five hundred guineas.

The defence alleged was, that, a delivery of the glass at the duke's residence having been proved, it constituted a property in his royal highness, and its return to the plaintiff, merely for the purpose of completing his royal highness's order.

Sir James Mansfield summed up the evidence for the jury, who directly found a verdict for the plaintiff, subject, however, to an award.

MURDER.

Admiralty Sessions.

25. The sessions commenced at

the Old Bailey, before sir William Scott, president, and sir N. Grose

John Sutherland stood capital indicted for the wilful murder of William Richardson, a boy of 12 years old, on the 5th of November last, on board a British transport ship, named the *Friends*, of which the prisoner was captain, in the river Tagus, and within the jurisdiction of the high court of admiralty.

Sir Christopher Robinson stated the case on the part of the crown.

The first witness called was John Thompson, a negro mariner, who, being sworn and examined by the attorney-general, stated, that he was a seaman on board the *Friends* in the Tagus, at anchor about 10 mile from Lisbon, on the 5th of November; that he had been engaged by the prisoner in Lisbon about a month previously, and that on the day above stated the captain and mate were on shore, as were also the two other seamen belonging to the ship's crew, and no person left on board but himself and the deceased, a boy of 12 who usually attended on the prisoner. About eight o'clock in the evening the prisoner came on board and immediately went down to his cabin, and called the deceased down to him. In a few minutes afterwards, the deceased came up on deck, and told the witness to go down also; which he did. The captain asked him how it could be managed to keep watch on deck for the night, the mate and the other two seamen being on shore. The witness answered, he could keep watch until 12 o'clock; to which the prisoner agreed, desiring the witness to be sure to call him at 12; and in the mean time not to suffer any boat to come alongside without letting him know.

He then desired the witness to go on deck, and send down the boy; which he did. In about five minutes, witness heard the boy cry out loudly to him, calling him by his name Jack Thompson. The witness did not go down immediately, for he supposed the captain was only beating the boy as usual. The boy continued to call out several times loudly; and at last the witness went down, and saw the captain standing over the boy, with a naked dirk or dagger in his hand, which he waved to and fro, and the boy lying on the cabin floor, who immediately said to the witness, "Jack Thompson, look here; here captain Sutherland has stabbed me;" and immediately lifted up his shirt, and showed him a bleeding wound upon the left side of his belly, near his groin, and his entrails hanging out. The prisoner said nothing at the moment. He heard what the boy said; and on the witness turning about to leave the cabin, the prisoner said to him, "Jack, I know I have done wrong." The witness, who was not above three minutes in the cabin, answered, "I know very well you have;" and immediately returned upon deck, and hailed the next ship to him, which was the Elizabeth transport, for assistance. Her boat came alongside, with the mate and two men, to whom the witness told what had happened. They would not venture down to the cabin; but took the witness with them, and went off on board the Plantagenet for a surgeon, but could not get one there. They then rowed back to the prisoner's vessel, and found that in the mean time the mate had come on board. The Elizabeth's men then rowed to the Audacious for a surgeon; but while they were gone, the pri-

soner insisted on the witness putting him on shore to hunt for a doctor. Witness accordingly went on shore with him. The witness went to the British barracks, but could obtain no surgeon. He walked about for some time. Witness asked him whether he would go off on board his ship. The prisoner answered No, but the witness might go and leave him as soon as he liked. A British and a Portuguese soldier came up, to whom the witness told what had happened. The captain then came back with the witness to the ship; and on coming on board they found that two surgeons had been there, dressed the wounds of the deceased, and put him into bed. He was removed the next morning on board the Audacious, as were afterwards the prisoner and the witness. When captain Sutherland came on board, after going to seek the surgeon, the mate asked him what he had to do with such a weapon? The prisoner answered he would never hurt any body else with it, and then threw the dirk overboard. After the witness was on board the Audacious, he heard the prisoner say to the deceased, he was very sorry for what he had done: but he did not hear the deceased make any answer. He heard him repeat his sorrow at another time. The witness was on board the Audacious when the boy died, in nine days afterwards.

The witness underwent a long examination by Mr. Knapp, but said nothing to weaken in the smallest degree his direct evidence.

Mr. Henry Bligh, surgeon's-mate of the Audacious, was next examined, and stated that on the 5th November last, in consequence of an application to his ship, he went on board the Friends transport,

between 9 and 10 o'clock at night. She lay in the Tagus, about a mile from the Audacious, and the like distance from Lisbon. He found the boy below, rolling upon a bed, and in great agony, with a wound on the belly, near his groin, through which some of his intestines were much protruded. One of them was penetrated quite through, and another wounded through it. On seeing the state the boy was in, he directly sent for Mr. Irvin, the chief surgeon of the Audacious, and in the mean time had the boy removed from the bed into the captain's cabin, and used every means to return the protruded intestines into the abdomen, but without effect. Mr. Irvin came on board about twelve. The orifice of the wound was about half an inch long, and appeared to have been made with a dirk or dagger. The intestines appeared to be perforated by a sharp-pointed instrument. It was found necessary by both surgeons to enlarge the orifice, without which it was impossible to return the intestines. This they did, and then sewed up the external wound, put on a dressing, put the boy in bed, after letting some blood, when they returned to the Audacious; and next morning, at nine, he sent for the boy, and had him removed on board the Audacious. He had asked the captain how he came to stab the boy? and he answered, that he had done it while in a drunken fit, and said, he should throw himself under the mercy of the witness's hands. Very little conversation passed. Witness asked him no more questions; but the prisoner said to witness, he hoped he should save the boy's life, and thereby he should save his own (the prisoner's). This was the morning after the wound was given.

The prisoner was lying on a locker when he appeared to have been intoxicated, but he was then sober. He was removed on board the Audacious about an hour before the boy died. The boy was removed for the sake of being immediately under Mr. Irvin's care, and the witness attended him until his death, which took place the 14th November. Witness was present when Mr. Irvin, three or four days before the boy's death, took down in writing his declaration. From the first moment of his attendance, the boy expressed his conviction that he should die of the wounds; and he appeared to be under the apprehension of death when he made the declaration. [Here Mr. Irvin was desired to produce the written declaration to the witness, who identified it, and said he saw the deceased, who could not write, sign it with his mark after it had been read to him. It was then read by the clerk of the court, and was to the purport following:

"I, Richard Wilson, boy, aged about 13, belonging to the transport ship the Friends, was, on the 5th of November, 1808, stabbed slightly in the belly with a dirk, by captain John Sutherland, in his cabin. I lifted up my shirt, and showed him what he had done; but he followed me into a corner of the cabin where I could not get away, and he stabbed me again."]

Mr. John Irvin, surgeon of the Audacious, confirmed all the evidence of the preceding witness.

Both this and the former witness were cross-examined at some length, the former by Mr. Knapp, the latter by Mr. Gurney, as to whether the wound of the intestine had been sewed up before it was returned to the abdomen? whether that was not a necessary operation to the safety

safety of the boy's life? and whether it had not been acknowledged that some accident had occurred in enlarging the orifice of the wound, for the purpose of returning the intestine, which was supposed to be a principal cause of the fatality. Both answered that the intestine was much swelled and inflamed, by exposure so long to the external air; that the wound of the intestine was so extremely small, they conceived it unnecessary to sew it up: that had the wound been larger, they would have conceived such an operation necessary; and that they had heard of cases where it had been successful. But to the best of their skill and judgement, under all the circumstances, they considered it unnecessary in the present case, and that no accident whatever had occurred in the operation to increase the danger from the original wound.

Mr. Irvin was asked by Mr. Knapp, whether, in consequence of the agitation of mind in which he found the prisoner, he was not under the necessity of prescribing for him; and whether the medicine he prescribed was not of the same nature he would have ordered for a person in an insane state of mind?

Mr. Irvin answered, that he certainly found the prisoner in a state of fever, from agitation of mind, and that the same medicine he prescribed would have been also advisable in a state of mental derangement; but he saw no such symptom.

Eight witnesses were examined on behalf of the prisoner; all of whom spoke of him generally as a humane good-natured man; against whom they had never heard before any imputation to the contrary.

Sir Nash Grose summed up the evidence, and the jury, after a very

short consultation, returned their verdict—*Guilty*.

Sir William Scott then, in a most feeling and impressive manner, addressed the prisoner upon the enormity and cruelty of the offence of which he had been convicted, advising him to make the best use of the short interval the offended laws allowed him before he should be numbered with the dead, in making his peace, by sincere repentance, with that Infinite Justice which could alone make those allowances for his crime which human justice could not; and then passed upon him the awful sentence of the law, which was, that he be hanged on Monday next, at Execution Dock, and his body afterwards delivered to the surgeons for dissection.

The unhappy man, who has a wife and five children, was greatly agitated, and so overcome as to require the support of the attendants. He is about 40 years old.

At the rising of the court, sir William Scott signified to the sheriffs that the execution must necessarily be deferred until Thursday next, on account of the state of the tide.

21. The celebrated Mr. Lambert died at Stamford, in Lincolnshire. He was in his 40th year; and upon being weighed, within a few days, by the famous Caledonia balance (in the possession of Mr. King, of Ipswich), was found to be 52 stone 11lbs. in weight--14lbs. to the stone), which is 10 stone 11lbs. more than the great Mr. Bright, of Essex, ever weighed. His coffin is 6 feet 4 inches long, 4 feet 4 inches wide, and 2 feet 4 inches deep: the immense substance of his legs makes it necessarily almost a square case; it is built upon two axle-trees and four clog wheels; and upon these

the remains of the poor man will be rolled into his grave. A regular descent will be made, by cutting away the earth slopingly for some distance. The window and wall of the room in which he lies must be taken down, to allow his exit.

POLICE, GUILDHALL.

Thursday a soldier in the guards was charged by a man named George Gumbee, a paper-maker, from Bolton, in Lancashire, with having obtained from him a 5*l.* bank note, with a fraudulent intent, and refusing to restore it. It appeared that the complainant had come to town on Tuesday night by the stage-coach; that he went to St. James's park to see the king's palace; and, on asking some questions of the prisoner, discovered himself to be quite a stranger in London. The prisoner kindly offered to show him the curiosities; and on the complainant expressing a wish to return from the Haymarket to the Swan with Two Necks, Lad-lane, the prisoner told him the distance was four miles, and persuaded him to take a coach, and he would accompany him. When they arrived in Lad-lane, the prisoner kindly offered to take his five pound note to get change, which the complainant was simple enough to give him; but, after a variety of manœuvres, the prisoner pretended the note was a bad one, and refused to return it. The complainant gave him in charge to a constable; and when before the magistrate, he gave up the note, and was discharged, but with a strong admonition.

COURT OF EXCHEQUER,
SEDUCTION.

Strange v. Gore.

29. This was an action brought by the plaintiff, who is a watch-

maker at Kingston-upon-Thames, against the defendant, a captain of dragoons, stationed at Hampton Court, for the purpose of recovering compensation for the seduction of his daughter—a beautiful girl from 14 to 15 years of age. It was probably be recollected, that in this transaction was mentioned in the public papers, and made some remark at the time it took place, which was in January last. See p. (14).

Mr. Dauncey stated the case on the part of the plaintiff, detailing the particulars, which afterwards were produced in evidence, and then read some very ardent letters written to the girl after the seduction. He took it for granted that no witnesses would be called on the part of the defendant. The plaintiff would only have an able speech from his learned friend (serjeant Bland). But they would recollect that words were not facts. The father, the plaintiff would remember, was bound by law to support his daughter, while he was now deprived of the hope of procuring her an honourable establishment by marriage, owing to the gross misconduct of the defendant. And who, they would also remember, was nearly allied to some noble families, and able to afford a liberal compensation. Under all the circumstances, they would either give the whole of the damages, which were laid at 5000*l.*, or at least a very considerable portion of that sum.

Miss Lydia Strange was then called, who deposed, that on the 1st of January last she went to Hampton Court, on a visit to the house of a Mr. Bear, or Vear, who had some charge of the palace. While walking in the cloisters of the palace with Jane Hicks, the maid-servant, she met captain Gore, whom she had seen at Kingston-upon-Thames before.

efore, but had never spoken to. Captain Gore passed on without speaking to her at that time, but he spoke to Jane Hicks. She then stated, that when she went out to walk in a day or two after, Jane Hicks proposed, by way of joke, that they should go and throw some gravel at the window of captain Gore. She assented, and the servant went and threw the gravel, upon which they both ran away; but captain Gore followed them, and having come up took her by the hand. They were not together more than five minutes at that time, as Jane Hicks came up, and told her, that Mrs. Bear, or Vear, was waiting for her.—Another time she happened to go into the chapel, the door being open, and captain Gore having observed her, followed her into the chapel. He took off his hat and kissed her; but observing some men at work about the windows of the chapel, he went out and left her there. Some time after he returned, and bolted the door. Jane Hicks was there at that time. Captain Gore entreated that he might see her in the evening, which she refused; and then captain Gore begged of Jane Hicks to persuade her to meet him. Captain Gore gave her some grapes, and to Jane Hicks he gave a one pound note. He asked her when she was to return to Kingston, and she told him that she was to return the next day. She then stated that she had gone home to Kingston; but for some reason, not material to the cause, she had gone to Hampton Court almost immediately after. As she was out walking with miss Bear, or Vear, a child of about ten years of age, she saw captain Gore coming from the opposite direction in a curricule, along with a lieutenant Lister, or Leicester. They

passed on without any thing having been said. But captain Gore came to them soon after, and persuaded them to go to his lodgings. They went, and continued there till it was pretty late. He gave them three kinds of wine—claret, madeira, and hock.—She drank of them all. In answer to a question from the lord chief baron, she said, that she had sometimes before drunk wine. They then proposed to return home, and captain Gore said he would walk home with them. They however went to walk by the wall of Bushy Park. Soon after she heard a voice, as of one walking behind. Captain Gore whistled, and called out Henry, and then Mr. Lister, or Leicester, came up. The latter took the arm of miss Bear, or Vear, and walked on with her before, leaving the witness and captain Gore behind. She soon after saw somebody with a lantern coming up; upon which captain Gore proposed to her to cross the road, that they might not be observed. From the voice of him who passed, who pronounced the name of “Strange,” she knew it was Mr. Vear. She then said to captain Gore, that she was afraid to return home after being out so late—upon which he proposed that she should go with him, and he would take her to a young lady who would take care of her. She refused at first, but he afterwards persuaded her. They then walked on for some time, when she asked whether the residence of the young lady was far off. He said, Not very far off. They got a postchaise, at a place which she afterwards understood to be Hounslow. The chaise broke down; but they got another, and proceeded straight to London. They were set down at a place which she afterwards un-

F 3 derstood

derstood to be Leicester-square. From this they walked to a house in Chandos-street, where they had refreshments and wine. She went to bed, and soon after captain Gore came to the bed-room undressed. She asked him if he intended to sleep there? He answered "Yes;" upon which she said, he should not sleep there—but he said he would, and in fact did sleep with her. Next morning they went to a house in South-street, Soho-square, where she saw a miss Dunn, and there they continued for that night. Mr. Lister, or Leicester, called next morning, and they went to the house of a Mr. Dessin, or Vessey, an attorney, where they staid half an hour, and then drove to an hotel in a hackney coach, where they dined. Lodgings were then taken for her in Thanet-place, Temple-bar, where she and captain Gore lived under the names of Mr. and Mrs. Graham, till they were discovered by the Bow-street officers, and she was carried to her father's.—The whole of this took place between the 1st and 12th of January.

Cross examined by Mr. serjeant Best.

She admitted that she had noddled to captain Gore from a window at Kingston, before he had ever spoken to her. She often talked of captain Gore among her acquaintance, and was sometimes by them called in jest "Mrs. Gore." Her mother had been dead eight years—her father had two years after taken into the house a woman of the name of Sarah Wood, who had been barmaid of the Castle inn, Kingston; but she always understood that they were married, although stories were going about that they were not married. Her brother, she admitted, had threatened to

leave the house if that woman was allowed to continue in it.

Miss Budd, who keeps a boarding-school at Richmond, said, the girl had been latterly at school, and was well behaved. Her father visited her regularly, and appeared very attentive to her in every respect.

Mary Brooks proved that lodgings had been taken for captain Gore and miss Strange, under the names of Mr. and Mrs. Graham, on a Sunday, at her house in Thanet-place. She was struck with the youth of the lady, and had a conversation with captain Gore. Monday morning, in the course of which she remarked that the young lady appeared to be scarcely sixteen. Captain Gore replied, that she was nineteen years of age—that they had been married four months, and he had known her eighteen.

Anthony, the officer, was called to prove that he had received the reward promised by her father for her recovery.

Mr. Webster proved the handwriting of captain Gore; but the letters were not read by the clerk, it being thought immaterial.

Mr. serjeant Best made an address in defence, or rather in mitigation of damages. The two points upon which he chiefly insisted were first—That the father himself had set an example of vice to his daughter, in living with a woman in a state of fornication; and, 2d—That the daughter herself had exhibited a levity of conduct in making a signal to captain Gore, which had never spoken to her before, which deprived the plaintiff of the pretence for large damages. They ought to consider that not a farthing of what they gave might ever find its way into the pockets of the girl.

girl.—He also stated, that though captain Gore was allied to some distinguished families, he was in very narrow circumstances, and large damages would ruin him.

The lord chief baron summed up the evidence, and observed, that an improper levity in the girl would, no doubt, extremely diminish the claim of the father to damages: but they would consider whether the youth of the young woman was not to be taken into account in adverting to the instance of levity stated by the counsel. In a woman of eighteen, who must have been aware of the construction which might have been put on such behaviour, it would have been unpardonable. But with respect to a young girl, who was only from 14 to 15 years of age, the case was different. With regard to the conduct of the father, the learned judge remarked, that whether he was married or not to the woman mentioned, his daughter had been very little in her society, as it appeared that she had been kept at school for the greater part of the time that Mrs. Strange, or Sarah Wood, whichever she was, lived in her father's house. In the course of the charge, the learned judge adverted to the conduct of Jane Hicks, and lieutenant Lister, or Leicester, in terms of the severest censure, and said, that there was evidence of a conspiracy between them and the defendant to ruin this ignorant young woman. Upon the whole, he thought they must find for the plaintiff, and that they must give damages. The quantum was for their consideration.

The jury retired for a few minutes, and then found their verdict for the plaintiff—Damages, fifteen hundred pounds.

COURT OF COMMON PLEAS.

LIBEL.

The earl of Leicester v. the proprietors, &c. of the Morning Herald.

29. This was an action for a libel against the printer, publisher, and proprietors of the Morning Herald, for a libel. The damages were laid at 20,000/.

Mr. serjeant Best stated the case on the part of the plaintiff. It was an action against the publishers of a newspaper, for a libel of such a nature and such malignity, as perhaps was never before complained of in a court of justice. When he stated that the damages were laid at 20,000/., he would add, that he did not think justice would be done to his client, if any thing less than that sum were awarded. It was to be remembered, that in the reign of Charles the First, there was a monster of the name of lord Audley, who had been tried, convicted, and executed for unnatural offences, and for an offence which (thank God!) there had been no instance of since that time; namely, that of assisting his servant in committing a rape upon his own wife. The libel in the Morning Herald was a paragraph on the 3d of December, 1808, to the following effect:—“Articles have been exhibited against a noble lord by his lady, similar to the articles which were exhibited by lady Audley against her lord, upon which he was convicted and deservedly executed; but in the present instance, there were circumstances of far greater atrocity.” On the 5th of December the following paragraph was inserted:—“The wretched son of an English marquis has absconded, on charges which lady C. (Chartley being his

title, when the old marquis of Townshend was alive,) has exhibited against him. A special warrant has been issued for apprehending this lord, whose infamies have long rendered him a disgrace to human nature." This special warrant, for apprehending the plaintiff, was a pure invention of the writer of the paragraph. It appeared to him, that every thing they had done since the publication, as well as before it, showed the malice by which they were actuated. For what purpose, except increasing the anguish of his mind, and the distress of his family, could the defendants have subpoenaed (as they have done) the noble marquis, who was the father of the plaintiff, his uncle, and almost all his relations, to be their witnesses? They also knew that his client, who was only a lord by courtesy, had not the privilege of peerage; and that his affairs were so much embarrassed, that he must be immured for debt if his residence was known, and therefore they had even applied for a judge's summons, in order to discover his residence, but their application was refused. In considering the malignity of the libel, and the injury it was likely to do, it must be recollected what a horror the British nation entertain against a vice so imputed (and God preserve that horror!). It was so great, that let a man, charged with this vice, prove his innocence of the charge ever so fully, still a certain degree of suspicion was attached to him, and he never could again move in society with the same comfort to himself, or the same respect from others, which he was used to meet. He trusted, therefore, that the jury would consider both the rank of the person injured, and the greatness of the injury which had

been inflicted, and relied upon their finding a proper verdict.

The first evidence was the register of pamphlets, or papers, at the Stamp Office. He proved the defendants to have sworn themselves proprietors, printer, and publishers of the Morning Herald.

The papers were then produced, and the libellous paragraphs read.

The next witness was Mr. Barlow, who produced from the records of the court of king's bench, the inquisition upon Lord Audley, his indictment, and conviction.

Mr. Mills, solicitor to the plaintiff, said, that he believed the paragraphs which had been read, to apply to the plaintiff. He had no doubt at all of it.

Cross-examined by Mr. serjeant Cockle.

He had been acquainted about four years with plaintiff, to whom he had been introduced professionally. He had dined with him three or four times at his house in Gloucester-place, and in company with lady Leicester, after the paragraph about the separation. He had seen a Mr. Neri, whom he understood to be his lordship's secretary. The first time he saw Mr. Neri was after having sent in his account to the plaintiff: Mr. Neri called upon him about the settling of it.—He had met at lord Leicester's table Mr. and Mrs. Gardiner (the father and mother of lady Leicester), the marquis of Townshend, and the two lady Townshends in the winter of 1807, the marriage having been in the month of May of that year. The reasons why he believed the paragraph to apply to his client were, that he knew no other son of an English marquis who had pro-

ceedings.

ceedings depending in Doctors' Commons; and also, because he found every body he spoke to on this subject also applied them to the plaintiff. Besides these reasons, he confessed that there were flying rumours against the character of the plaintiff, which had come to his knowledge.

The case of the plaintiff was then closed.

Mr. serjeant Cockle then rose on the part of the defendants. He said he rose with considerable concern upon a subject, odious in its own nature, and which must give pain and disgust to every man. His learned friend would have wished them to believe, that the aspersions against the character of lord Leicester originated in the newspaper which was conducted by the defendants. The fact, however, was, that they did not; but, as the plaintiff's own attorney had admitted, there had been flying rumours against the character of that noble lord, before such paragraphs ever found their way into the public papers in the usual manner, and the proprietors had offered to take their oaths that they were not the authors, and did not know who were. Certainly he was not an advocate for licentiousness in the press; but it was evident that public papers could not be printed if the conductors were put to a strict justification of the truth of every paragraph contained in them. If they maliciously invented falsehoods, or lent themselves wilfully to be the instruments of malice in others, they should be responsible as authors of those calumnies; but if, without any malice, these paragraphs found their way into their papers in the regular course of their trade, they certainly were still responsible, but not in the same degree, nor would a jury visit them with so serious damages. It

was allowed, that notwithstanding all the evils which proceeded from the licentiousness of the press, the publication of daily newspapers, and the letting the public know what was going on, was of infinite advantage to the liberties and happiness of the country. His learned friend had spoken of the earl of Leicester and his wife having lived happily together. How did he attempt to prove it?—did he call a single relation, servant, or friend? No: all the evidence on this point was, that his attorney had seen lady Leicester at her lord's table nearly a year after the marriage. The fact was, that so far from having lived happily together, there was nothing perhaps in the whole history of married life more wretched. Three sleepless nights were all they passed together, and after that time they were never in bed, or seldom at board together. The lady in the agony of an almost broken heart, and in spite of female delicacy, was obliged to reveal the wrongs she had suffered. She had been obliged to sit down at the table of her lord with wretches that are a disgrace to human nature, and who ought not to be permitted to live. There was Neri, the Italian secretary, Hayling, Playfair, with some other wretches of that description. She was soon banished from his house by such conduct. When he was at Gloucester-place she used to be at Paddington, and when he was at Paddington she came to Gloucester-place. The noble lord had brought forward but one witness, who knew nothing of the matter. How came it that he brought forward no relative, no friend of rank and fashion equal to his own, none of the elders of the college in which he was educated, to support his character? On this subject there was a gaping chasm, and it was thought

thought proper to preserve a profound silence. He, like other gentlemen of fortune, travelled in his youth, but was accompanied by this Italian, Neri, who had been called his secretary. This man he had kept in a most expensive manner. When Neri married, although he had not a shilling of his own, and did not get a shilling with his wife, yet they took a house at a rent of 150*l.* per annum, and Neri lived more with his lordship than under his own roof.

Mr. Best applied to his lordship whether this line of defence was to be endured. If it was, it would be in the power of any defendant to destroy the character of any plaintiff, by a story that he could not be prepared to answer.

Sir J. Mansfield thought the learned serjeant should be permitted to proceed in his statement.

Mr. serjeant Cockle said, it was absolutely necessary for him to make this statement, to prove that what had been stated by his learned friend (Mr. serjeant Best) as an aggravation of the malice, was not true. It was also his duty to prove that those flying rumours against the character of lord Leicester were so generally heard of, that his lordship's character had not suffered by the paragraphs to the extent that had been stated, as he might, perhaps, show that his lordship's character was previously as bad in this respect as any man's could be, who was not actually convicted of the crime. If this were the case, it must most materially alter the damages. As to the observation which had been made of the difficulty of restoring a man to society who had been charged with such an offence, he believed his lordship might, whatever were the damages, continue to mix, with the same respect, in that sort of company with which

he had long associated; and to whatever the damages might be, they would not restore him to any sort of society which his birth and rank in life appeared to entitle him to. He felt no manner of doubt but that, in the consideration of damages, the jury would pay considerable attention to those circumstances which it was his duty to prove.

A woman who waited on lord Leicester at Chartley was the first witness called. An objection was made to her examination, on the ground that she did not go totally to establish the fact: this was overruled, as it was to a mitigation of damages. The witness admitted, that she lived with lord and lady Leicester during their marriage; that they slept together only three or four nights immediately after it; that they sometimes lived in the same house, but that generally his lordship resided in Westbourne-place, Paddington, and lady Leicester, in Gloucestershire-place. She had seen Hayling, Newton, and Playfair, at his lordship's; that all dined there; Hayling sometimes slept there. Her master and mistress went to the country in August; his lordship returned from it in a day or two; her ladyship remained till November. She had seen the lady Townshends at lord Leicester's, but never saw any gentleman there; except at meals. His lordship generally spent his time with Hayling.

William Newton was master of the Cocoa-nut coffee-house in 1772. Neri was a waiter of his in 1792 and 1793. He knew no harm of Neri.

Mr. Ridgeway deposed, that Neri lodged with him eight months; about the year 1801. Lord Leicester visited him there once a week.—Neri paid a guinea a week for his lodging.

John Newby was chapel clerk at Trinity

Trinity College, Cambridge. He knew lord Leicester and Neri there. Neri acted more as a companion than a servant there. Neri slept in his lordship's chambers; but it was customary for servants to sleep on the same floor with their masters. Lord Leicester was considered an eccentric character in college. He used to shut himself up in his room for a week together, and see no one; instead of a purple gown, which noblemen generally wore, he wore a pink one; he dressed his hair effeminately, and was called miss Leicester, lady Chartley, &c. in derision. Many gentlemen in the college, however, were like ladies. He admitted that notorious reports, accusing lord Leicester of infamous and unnatural crimes, were prevalent in college: he did not believe them. He heard reports of others also. Lord Leicester gave some concerts, at which most of the nobility and many of the seniors of the college attended. Neri was a musical character; his lordship and he often played duets together. Neri played on the guitar.

Rev. H. Boulter was lord Leicester's tutor at college: the cause assigned for his lordship's leaving college was, that he was going abroad.

Col. Rainsford, 1st guards, deposed, that there was a man of the name of Frith, a private in his regiment; that after a short absence from the regiment he found many men with gold watches, and Frith among the rest; when in plain dress also they wore as good clothes as he did. Lord Leicester gave Frith the watch. He heard that his lordship used to walk arm in arm with the privates of his regiment, in May and June 1806. He

had heard vile reports of lord Leicester for the last three years.

Lord John Townshend said, he was uncle to lord Leicester. He was not on terms with him; their quarrel was not personal; he disliked his lordship's conduct to his father; he did not know him after his marriage, but lady John sometimes visited at his house.

The evidence was here closed; and serjeant Best at some length addressed the jury in favour of the plaintiff.

Sir James Mansfield commented upon the evidence. He went into a history of the press in this country, from the time of its first establishment to the abolition of the office of licenses. The liberty of the press was a term blindly used by many modern writers and speakers; it did not mean the liberty of speaking political treason or private slander, but it merely meant the liberty of speaking what it chose, liable to the correction of the laws of the land. Undoubtedly in the present case a verdict must be found for the plaintiff, but at the same time the damages were liable to mitigation, from the circumstances of the evidence, according to the judgement of the jury.—Verdict for the plaintiff, 1000*l*.—Costs 40*s*.

JULY.

COURT OF KING'S BENCH. IMPRESSMENT AND FALSE IMPRISONMENT.

*James Sabine v. sir Christ. Baynes.
James Godfrey De Burgh, and W.
Perry, esq.*

1. Mr. Park stated, this was an action to recover damages for an assault and false imprisonment, under very aggravated circumstances; so much so, that for the thirty years he

he had been at the bar, he had never witnessed one so dangerous, or marked with such tyranny. Expressions like these were often made use of by counsel, and juries gave them only that credit which they deserve; but he pledged himself, that both his lordship and the jury would think with him before the cause was over. The plaintiff was a young man, not more than 22 years of age; his father was a farmer, and dealer in horses, at Hounslow; the defendants were magistrates of the county of Middlesex, gentlemen of fortune, respectable characters for aught he knew; he did not know any of them; he did not mean to say any thing of them out of this cause; but the conduct which produced it was so glaringly bad, that it did not require him to burnish it, to make it shine with its full lustre. On the 15th of October, 1808, the plaintiff was left at home by his father, in care of 30 horses, he being obliged to go from home to attend some horse-market; in the evening of that day, the plaintiff found it necessary to take one of his father's horses and cart to some place in the neighbourhood of Hounslow; he did certainly what was wrong and unlawful,—he was sitting in the cart, driving the horse, without any reins from his head, by which means the horse got on the wrong side of the road; he was met by Mr. De Burgh, one of the defendants, who said he would fine him: on the following day, the plaintiff received a summons to appear at Uxbridge on the 17th, a distance of ten miles from Hounslow: his father had not returned home; but he went, and took two friends with him: when he arrived there, the three defendants were sitting as magistrates;

they ordered him to be confined in the cage, a kind of prison; he was there about one hour and a half, when two constables came and handcuffed him, and told him they were ordered by the defendants to put him on board the tender: he told them he had never been at sea, and remonstrated with them, but in vain. He begged of them not to handcuff him, as he would go quietly with them. They told him they must, as they were ordered by the magistrates; but they would take them off when they got to a distance, so as the defendants would not know that they had dared to show so much humanity. They put him into a postchaise, and drove to Oxford-street, where they got a hackney-coach, and brought him to the Tower, and put him on board the Enterprize tender for the receiving of impressed men, where he was kept for seven days, without a bed to lie on: it was not until the 20th that he could procure pen, ink, and paper, to write to his friends the situation he was placed in: on the 22d he was sent to the Nore, on board the admiral's ship. The plaintiff's two friends, who had accompanied him to Uxbridge, went before his lordship on the 22d of October, and made oath of these facts, and his lordship granted a habeas corpus to the admiralty, which was not answered immediately, but the plaintiff was put on shore at the Nore on the 12th of November, and had to find his way back to Hounslow the best way he could. He, Mr. P., would admit every thing that the defendant's counsel could wish: his client might have been insolent, might have treated the magistrates (the defendants) with disrespect; but nothing could justify their conduct,

to take away the liberty of a subject, perhaps for ever, to satisfy their own choler and spleen; the plaintiff was an hour and a half in the cage, they had time to reflect; his friends offered to pay any fine; they offered to give security in 500*l.* for his appearance when or where they wished, but to no purpose. He had certainly committed an unlawful act, by sitting on his cart, but the penalty was only 10*s.* and in case of inability of paying it, ten days confinement in the house of correction. It could not be supposed that the defendants were ignorant that they were doing an unlawful act; but, even if they were, it was no answer to this action, they were not ignorant that they were doing a cruel and tyrannical act: men whose duty it was to protect every species of his majesty's subjects, the poor as well as the rich; men who were chosen to administer justice, and support the laws of their country, to become traitors, and trample both law and justice under their feet! he would not mention humanity, afraid the defendants might start at the sound, as they never could have known what it was before. There were no damages too great for them to pay. What might have been the consequences? A young man tenderly reared, put on board a prison-ship, kept there several nights and days, without a bed to lie on, in the cold month of November, might not his death have been the result, and would it be doubted that the defendants would have been obliged to answer for such an event? The only question for the jury to consider was, what would be the quantum of damages. He only asked them for such as they would conscientiously think they ought to be

entitled to, if they had been treated as the plaintiff was. This statement was fully supported by the evidence.

Mr. Garrow, counsel for the defendants, stated they were respectable persons; they bore no malice towards the plaintiff. They were extremely sorry for what they had done. It had been done through error; the law would have justified them in sending the plaintiff to the house of correction for three months, and they thought they were empowered to send him on board any of his majesty's ships. He, Mr. Garrow, did not attempt to defend their conduct; he knew the verdict must be against them; but there was nothing in the case that called for heavy damages. The defendants were not answerable for the delay that took place between the 22d of October, when the habeas corpus was issued out, and the 12th of November, when the plaintiff was discharged.

Lord Ellenborough—"This is a case that calls for ample justice. A young man, in driving his cart, commits an offence, for which he is fineable; instead of which he is imprisoned, without any authority of law, and afterwards put on board of a ship: there is nothing a magistrate ought to guard so much against as the playing with the liberty of the subject; there can be no excuse for the conduct of the defendants. The plaintiff is entitled to ample justice from a jury of his country: you will, therefore, gentlemen, take the case into consideration, and give him those damages that you think will make him ample compensation for the injuries he has sustained."

The jury, without hesitation, gave a verdict for the plaintiff; Damages 500*l.*

CRIM. CON.

Loveden, esq. v. Barker, esq.

3. This action was brought to recover damages for the injury sustained by the plaintiff, through the defendant's having dishonoured his bed, and by that means deprived the plaintiff of the society and converse of his wife. The damages were laid at 10,000/.

The plaintiff is one of the members of parliament for Shaftsbury, a man considerably advanced in years, and Mrs. Loveden is much younger. She is the third wife, and has had no children by him. The defendant is a lay-fellow of one of the colleges in Oxford.

The plaintiff's coachman proved, that on one occasion his mistress took Mr. Barker into the coach with her in Bond-street; that they were then taken to Fleet-street, and from thence back to Hyde Park Corner, where Mr. Barker was set down, and all this time the blinds of the carriage were up. This happened in the month of May, 1808, when the weather was exceedingly hot, and before that, for some time, she was accustomed to drive out with the carriage open.

The evidence was corroborated by that of the footman who attended the carriage, and who further stated, that on setting Mr. Barker out at Hyde Park Corner, Mrs. Loveden appeared much flushed in the face, and her hair in greater disorder than he had ever before seen it.

W. Hastings, butler to the plaintiff, said, that Mr. Barker came to visit at the house of Mr. Loveden in 1806, where he was always treated with the greatest hospitality and kindness. After a time, witness began to have suspicions of too much familiarity existing between his

mistress and the defendant, which were confirmed by his seeing one Sunday, when all the family were at church, save Mrs. Loveden and himself, the defendant and her come severally out of the summer-house. After this, in Aug. 1808, he had reason to suspect that Mr. Barker was upon his master's premises: the witness went to search, but could not find him. When he returned, his mistress was looking over a window, and he told her it was a false alarm; on which she asked him how he could have such suspicions. Not satisfied, he however went to search again; and hearing a rustling near one of the out-houses, he ran to the spot, and saw Mr. Barker getting over the paling. Witness had a pistol in his hand, and called to the defendant to leave the premises directly. On this the defendant asked to speak with him, and told him he was going to Oxford, and had come to see Mrs. Loveden before he went. Witness said this was a lame story; but if he would promise never to come again on Mr. Loveden's premises, he (the witness) would never mention what he knew, otherwise he would instantly tell his master. The defendant then gave the witness his hand, and promised on those conditions never to come there again. Witness never told this to any one, not even to his fellow-servants. However, in March 1809, when Mr. Loveden had gone on a visit to his son, a Mr. Price, (he having changed his name on account of some property,) witness had reason to suspect that Mr. Barker, or some one, had been admitted into the house by his mistress, at a low window, as witness heard some one in his master's study over his head, while he knew his

his mistress was in the billiard-room, and he was sure no one had a key to the study but she and his master. That night, however, the witness could make no further discovery. Next day he was informed that there was a fire burning in the study; and on this he went to his mistress, and asked her for the key of his master's study, as it was on fire; but she denied having the key, and said the fire, if there was any, could do no mischief, as the house was so strong. He then told her he would break into the room, and she said it should not be broke open. He however got two carpenters to put a ladder up to the window, and by their assistance one of his fellow-servants got up, and saw Mr. Barker standing behind the door inside. Mrs. Loveden then opened the door with her own key, and Mr. Barker came out.

The housekeeper, and Elizabeth Haines, Mrs. Loveden's maid, corroborated the latter part of the last witness's evidence, and further stated, that on the morning when Mr. Barker was found in the study, they observed Mrs. Loveden's bed, which was very large, more than half tumbled, as if two persons had slept in it. They also noticed some other suspicious circumstances.

No witnesses were called by the defendant.

After a long defence by Mr. serjeant Best, lord Ellenborough summed up the evidence, and the jury having retired a short time, brought in a verdict for the defendant.

West v. Jewel.

6. The attorney general stated, that the plaintiff had been a shopman of the defendant's, who is a linen-draper in Bishopsgate Without. The defendant took it into his head that West had written him some

anonymous letters, and before he would pay the plaintiff his wages, or would give him a character, he was obliged to make oath that he had never written the letters in question. After that, a Mr. Holden would have taken the plaintiff as his shopman, but that, on inquiring his character of Jewel, he was told that West had written anonymous letters, and had perjured himself.

J. Bellamy, another of Jewel's shopmen, remembered his master's receiving several anonymous letters, and that he charged West with one, on which West took an affidavit to the contrary.

[Here the affidavit and letter were read in court;—the letter ran thus:—]

“Mr. Boar—As your trade is on the decline, I suppose you will be after *stearing* (staring) your young men out of countenance, taking away their characters, and turning them about their *bisniss*, although they have been working very hard for the last six months, to serve such a boar of a fellow as you.”

Cross-examined by Mr. Garrow.

He said West and he had once a dispute about spelling the word business, and that West wished it spelt otherwise; that there was an angle on the edge of the letter, corresponding to what had been made by the cutter on a whole ream of his master's; and that from the writing, he had no doubt but West was the writer of the letter in question. He had heard West frequently express characters by the word “boar;” and had heard him always pronounce “staring” as *steering*.

Mr. Holden, linen-draper in Bishopsgate Without, proved that West had applied to him for employment, and that he would have taken

taken him into his service but for the representation of Mr. Jewel, who told him that West had written him an anonymous letter, and afterwards perjured himself, and that he (Jewel) would tell all who came so.

R. West, uncle to the plaintiff, said, he had no reason to think the letter in question the hand-writing of his nephew. He said, Jewel had declared, that, if his nephew would confess that he was the writer of the letter, he would look over it; but if he did not, he would prevent his getting another situation.

On his cross-examination he said, he never heard his nephew pronounce *staring* or *business* wrong.

Mr. Greenwood, a linen-draper, said, he had given West bread for the last nine months. The letter, in his opinion, was nothing like West's writing. He never heard West pronounce or spell *staring* or *business*.

The plaintiff's case being here finished, justice Bailey was of opinion that the malicious intent was not proved against the defendant, as he might have acted as he did from a firm conviction of the plaintiff's guilt:—the plaintiff was accordingly nonsuited.

COURT OF KING'S BENCH.

Wright v. Wardle, esq.

The plaintiff, Mr. Fran. Wright, an upholsterer, brought his action to recover 1914*l.* for furniture in fitting up the house of Mrs. Mary-Anne Clarke, in Westbourne-place, Chelsea, which the defendant became liable to pay in consequence of his personal promise. From Mrs. Clarke's testimony it appeared, that prior to the investigation relative to the duke of York, colonel Wardle and the lady had made a kind of treaty: the colonel was to

furnish the lady's house in Westbourne-place; the lady was to assist the colonel in the investigation. The lady, however, had previously been a short tour with the colonel and two other female friends: they had been down to the coast to see the martello towers. The house was furnished with great elegance and of course at much expense; part of the upholsterer's bill was paid; but the colonel declined paying the remainder. Mrs. Clarke was previously indebted 500*l.* Mr. Wright; and in the course of her testimony she said, "Mr. Wardle knew of Mr. Wright's debt because he advised Mr. Wright to bring an action against the person who, he thought, ought to pay. He promised to Mr. Wright, if I would bring such an action, that he would pay all the costs." The jury returned a verdict for the plaintiff, deducting 200*l.* for articles hired, 500*l.* money paid, and all the items for plastering, painting, insurance, &c.

COLONEL WARDLE,

"To the People of the United Kingdom:—

"Honoured as my parliamentary conduct has been by the approbation of so many of my countrymen, I feel myself called upon, in consequence of an event that lately took place, to address you, and that in vindication of my character rendered open to attack from the verdict of the jury upon the evidence of Mrs. Clarke, and Mr. Wright, the brother of her upholsterer, in a cause in which I was defendant, in the court of king's bench. The details of the evidence the public prints will afford. It is with me to state, that my counsel satisfied in their minds that the jury would not, upon such testimony as

had

had been given by the plaintiff's brother and Mrs. Clarke, alone, find a verdict against me, did not comply with my earnest entreaty (repeated to them in writing, during the trial, in the strongest terms), that major Dodd, Mr. Glennie, and other respectable witnesses, subpoenaed by the plaintiff and myself, might be examined, as I knew their testimony would be founded in truth, and be in direct contradiction to what had been sworn against me. Under such circumstances the verdict was obtained. There only remains for me now, before my God and my country, to declare, that it was obtained by perjury alone; and I do pledge myself to prove that fact the earliest moment the forms of the law will allow me to do so. Anxiously, therefore, do I look forward to that period; and I trust that till then the public will suspend their judgement upon the case.

"With sentiments of the deepest gratitude and respect, I remain your ever faithfully devoted servant,

"G. L. WARDLE."

"James-street, July 4, 1809."

4. In the court of chancery, sir Samuel Romilly moved for an injunction to restrain sir Richard Phillips, knight, and bookseller, from printing and selling a certain book upon the subject of chemistry. He made the application on behalf of a Mr. Parkes, who had written a work, entitled "The Chemical Catechism," which he sold at twelve shillings each copy. It had met with very extraordinary success, which sir Richard Phillips no sooner discovered, than he set about publishing a spurious edition of it, as the work of a Mr. Blair, which he sold at 3s. At the end of Mr. Parkes's work there was a chemical

1809.

vocabulary—at the end of sir Rich. Phillips's book there was a chemical dictionary, so exactly like the former that even the errors of the press were copied. He had also an affidavit, that there was no such person in existence as the alleged author, Mr. Blair. The lord chancellor ordered the injunction to issue.

The trials at the Old Bailey, which began on Wednesday, have been unusually uninteresting. On Friday, Samuel Davey was indicted for the murder of his wife and son, on the 6th inst. at Somers Town. We have already given a very full detail of this melancholy transaction: the evidence stated nothing new, and the jury acquitted him of both charges on the ground of insanity.

DOCTORS' COMMONS.

Wellesley v. Wellesley.

7. This was a cause of divorce, or separation from bed, board, and mutual cohabitation, promoted on the part of the hon. Henry Wellesley against lady Charlotte Wellesley, his wife, by reason of adultery alleged to have been committed with lord Paget. The circumstances of the case having been so recently before the public, when a verdict of 20,000*l.* damages was obtained against lord Paget in the common law court, it will be unnecessary to repeat them: suffice it to say, that the court was of opinion that the fact of adultery was completely proved, and therefore pronounced for the remedy the husband prayed.

Bing v. Price.

This was a proceeding of nullity of marriage, brought by Susannah Bing, widow, as the guardian of her son, J. Bing, against Mary Price, by reason of minority. The parties were married by license,

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obtained

obtained on the oath of the woman, on the 30th of August, 1807, the minor (John Price) being little more than 16 years of age, and which marriage was solemnized without the knowledge or consent of his mother. These facts being clearly proved, the court (sir William Scott) pronounced the marriage to be null and void.

Gurney v. Cross.

This was also a suit of nullity of marriage, brought by Charles Gurney, the husband, against Ann his wife, by reason of minority. The parties were married in 1803, by license, obtained on the oath of the husband. The points to be established were the proof of minority of the party, and want of consent on the part of the father, who had absconded from his family when his daughter was only three years old, went to America, and had not since been heard of. The court was of opinion that the proof was defective as to the fact of minority and want of consent, and therefore dismissed the application.

Daves v. Daves.

This was a proceeding or cause of divorce, promoted on the part of Mary Daves, against William Daves, her husband, by reason of cruelty and adultery. This marriage took place on the 4th of November, 1804, and they continued to cohabit together till 1806, when Mrs. D. withdrew from her husband, on account of his personal violence toward her, and his adulterous intercourse with women of the town, whereby her health became much injured. The fact being satisfactorily made out, the court pronounced the wife to be entitled to the remedy she prayed for, and decreed the same.

A coroner's inquest sat on the body of miss Meadows, who was a

singer at Covent Garden theatre, on the 30th ult., at the Maidenhead and Battle-bridge, she having died suddenly on the preceding day. The deceased was riding along the Pancras-road with her father, when she suddenly complained of indisposition, and begged to lie down. A hay-cart passing at the time, the young lady was put into it, where she died in a very short time. Her pain was a kind of spasm in the chest.—Died by the visitation of God.

Miss Yorke, who was apprehended some time since for maliciously shooting at some men who were on the outside of her uncle's palings, in the parish of Sunbury, was on Saturday the 1st inst. put to the bar at the Old Bailey, in order to take her trial for that offence,—the principal particulars of which we have already given. From the general tenor of the evidence, the prevailing impression was, that she fired the gun merely with the intent to frighten the persons who preferred the indictment. A model of the place where the occurrence took place was produced in court. Sir Allan Chambre summed up the evidence for the jury, laying down the law of lord Ellenborough's act upon the case; and the jury immediately returned a verdict of—Not guilty. Miss Yorke made her obeisance to the court and jury, and retired from the bar much agitated. She was attired in deep mourning, and her maid waited in the bar the whole time.

FRANCE.

Bonaparte has issued orders to the French bishops to offer up thanksgivings for the victories of Enzerdorf and Wagram. In these orders he makes use of the following extraordinary language:—
“Though

“Though our Lord Jesus Christ sprang from the blood of David, he sought no worldly empire: on the contrary, he required that in concerns of this life men should obey Cæsar. His great object was the deliverance and salvation of souls. We, the inheritors of Cæsar’s power, are firmly resolved to maintain the independence of our throne, and the inviolability of our rights.—We shall persevere in the great work of the restoration of the worship of God; we shall communicate to its ministers that respectability which we alone can give them; we shall listen to their voice in all that concerns spiritual matters and affairs of conscience. We shall not be drawn aside from the great end which we strive to attain, and in which we have hitherto succeeded in part—the restoration of the altars of our divine worship; nor suffer ourselves to be persuaded, that these principles (as Greeks, English, Protestants, and Calvinists affirm) are inconsistent with the independence of thrones and nations. God has enlightened us enough to remove such errors far from us. Our subjects entertain no such fear.”

ITALY.

Rome, July 10.

The journal of the capital contains a variety of decrees of the new government. One of these abolishes the tribunal of the Inquisition, and all the establishments attached to it. The archives and papers belonging to these several jurisdictions are put under seal, and consigned to the depôt of the archives; an inventory of them being made.—By another decree, a great number of especial tribunals are also abolished, as well as every temporal jurisdiction hitherto possessed by the clergy, secular or

regular. All clerical privileges are annulled.—The right of asylum remains no longer; in consequence, the authors or accomplices of crimes will no longer be sheltered from the vengeance of the law.—A new establishment is made of justices of the peace, &c. all of whom are nominated by the emperor.—By a third decree, a committee is appointed for the preservation of all the ancient and modern monuments of Rome, and the Roman states. This committee is in particular charged to take precautions for preserving the cupola of St. Peter from lightning; and the paintings of Raphael, which are on the loggia of the Vatican, from injuries arising from the air. This committee consists of Martorelli, director of the imperial archives; Marini, director of the library of the Vatican; Caneva, and Camuccini.

EXCOMMUNICATION OF

BONAPARTE:

“*Pius VII. pontiff.*

“By the authority of God Almighty, and of St. Paul and St. Peter, we declare you, and all your cooperators in the act of violence which you are executing, to have incurred the same excommunication, which we in our apostolic letters, contemporaneously affixed in the usual places of this city, declare all those to have incurred, who, on the violent invasion of this city on the 2d of February of last year, were guilty of the acts of violence against which we have protested, as well really in so many declarations, that by our order have been issued by our successive secretaries of state, as also in two consistorial collocations of the 16th of March, and the 11th July, 1808; in common with all their agents,

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abettors,

abettors, advisers, and whoever else has been accessory to, or himself been engaged in, the execution of those attempts.—Given at Rome, Santa Maria Maggiore, June 10th, in the tenth year of our pontificate. (Loc. signi) PIUS PAPA SEPTIMUS.”

Prefixed to the above curious paper is a protest against Bonaparte; declaring the new and violent spoliation of the papal dominions null and void. It contains the following passage:—“We reject with the firmest resolution any allowance which the emperor of the French may intend to assign to us, and to the individuals composing our college. We should all cover ourselves with ignominy in the face of the church, if we suffered our subsistence to depend on the power of him who usurps her authority.”

A most distressing circumstance has lately taken place at Worthing. —A young lady, miss Latham, daughter of Dr. Latham, accompanied her brother, who was in bad health, to that place; and whilst in the act of walking with him on the sands, was several times insulted and followed by a man in the habit of a gentleman, who, not content with this mode of attacking his victim, watched his opportunity while her brother was bathing, the men-servants attending him, and the females employed in the lower part of the house, to rush into the drawing-room, where the young lady was sitting alone, waiting breakfast for her brother, when he assaulted her, and proceeded to violate her person, until her screams at last alarmed the servants, who flew to her assistance. On entering the room, they found her senseless, and the ruffian in the act of pouring the milk from the cream-ewer down her throat, to recover her.

11. Holloway, clerk of St. Law-

rence's church, Cateaton-street, was discovered hanging to the bannister leading to the gallery in the church quite dead. The sextoness, on going in at the door, found a piece of paper with the following words written upon it:—“Don't proceed any further without some one with you.” She accordingly took in a ticket-porter with her, who cut him down. He remains in the church for the coroner's inquest. The deceased was between 60 and 70 years of age, and had been in office upwards of 40 years.

A gentleman of the name of Forten, possessed of considerable property, put a period to his existence, in the Park, on Wednesday morning, by discharging a pistol at his head. The suicide was observed by two porters to a china-man in Oxford-street, but on their going to the unfortunate man there were no signs of life. The deceased was nearly sixty years of age, and laboured under a malady which at times deranged his intellects. He lodged in Duke-street, Oxford-street.

A dreadful fire broke out in the house of miss Slarke, milliner and dress-maker, 62, Conduit-street, Bond-street, last week. The whole family had retired to rest; but before miss Slarke fell asleep, she smelt fire, and instantly rose to ascertain the fact; when, to her astonishment, she discovered that the flames had reached the staircase. She had presence of mind instantly to fly to the top of the house, where the young people, her apprentices, slept, and happily succeeded in getting them all down stairs and out of the house, where miss Slarke and they remained a considerable time during a heavy rain, without any other clothes on than their night dresses. The fire

by

by this time had got to such a height, that the whole house was in flames. Had the discovery been ten minutes later, every soul in it must have perished. It next communicated to the house of the hon. Mr. North, who has lately sailed for Malta, the whole of which is entirely consumed. Great part of Mr. North's library, which was one of the best in London, and had been very lately removed to Conduit-street, we are sorry to add, has been either burnt or damaged. The fire, on the other side of miss Slarke's house, communicated to the house and shop of Mr. Hurley, a grocer, which, with the contents, were consumed. We are sorry to state, that two men of the Imperial Fire-office, (one named King,) in endeavouring to save the library of Mr. North, nearly fell a prey to the flames. The ceiling of the room unexpectedly fell in upon them, and they were for a considerable time buried in the burning ruins. King was much burnt in the legs, and one of his arms broken; he is since dead. The other is also much burnt, and otherwise hurt by a beam falling over his body.—They are in Middlesex hospital.

SUPPLEMENT TO THE LONDON
GAZETTE, *July 11.*

This contains the Austrian official account of the battle fought near Aspern, on the Marchfeld, on the 21st and 22d of May, between the Austrian and French armies. It is of extreme length, but possesses considerable interest, besides affording much information beyond what had already been made public. The following is a summary:—The Austrian force was divided into five columns: the first consisted of 19 battalions and 22 squa-

drons; the second, of 20 battalions, 16 squadrons; the third, 22 battalions, 8 squadrons; fourth, 13 battalions, 8 squadrons; and the fifth, 13 battalions, 16 squadrons. The corps of cavalry consisted of 78 squadrons, and the corps of grenadiers of 16 battalions. Total 103 battalions; and 148 squadrons, amounting to 75,000 effective men. Of artillery there were 18 batteries of brigade, 13 of position, and 11 of horse artillery; in the aggregate 288 pieces of different calibres. The enemy had availed himself extremely well of the advantages of the ground to cover his passage. The extensive villages of Essling and Aspern, mostly composed of brick houses, and encircled all round by heaps of earth, resembled two bastions, between which a double line of natural trenches, intended to draw off the water, served as the curtain, and afforded every possible security to the columns passing from the isle of Lobau. Essling had a granary furnished with loop-holes, and whose three stories afforded room for several hundred men, while Aspern was provided with a strong churchyard. The left side of the latter village borders on an arm of the Danube. Both villages had a safe communication with the bushy ground near the Danube, from which the enemy had it constantly in his power to dispatch, unseen, fresh reinforcements. The isle of Lobau served at once as a place of arms and as a *tête de pont*, a bridge-head for the bridge, in the rear across the main arm of the river.—The enemy, with the divisions of generals Molitor, Boudet, Nansouty, Legrand, Espagne, Lasalle, and Ferrand, under the marshals Massena and Lasnes, as well as marshal Bessieres, together with

the guards of the Wirtemberg, Hesse Darmstadt, and Baden auxiliaries, had already left this position, and was directing his march towards Hirschstetten, when the first Austrian advanced guards met him.—If it be at all permitted in war to indulge favourable presentiments, it was certainly excusable so to do at that great moment, when, on the 21st of May, exactly at twelve o'clock, the columns began to put themselves in motion for the attack.—A general enthusiasm had taken possession of the troops; joyful war-songs, accompanied by Turkish music, resounded through the air, and were interrupted by shouts of 'Long live our emperor! long live the arch-duke Charles!' whenever the imperial general appeared, who had placed himself at the head of the second column. Every breast panted with anxious desire and high confidence after the decisive moment, and the finest weather favoured the awful scene. The advanced guard of the first column formed near the destroyed bridge of Tabor, and leaving the village of Kagrau and Hirschstetten to the left, and Stadlau to the right, marched in the plain towards Aspern. It was followed by the column, which marched from the right by half divisions. The enemy, drawn up in large divisions, stood immediately before Aspern, having, to cover his front, occupied all the ditches of the fields, which afforded excellent breast-works. His right was covered by a battery, and his left by a broad and deep ditch (one of those that carry off the waters of the Danube when it overflows), as well as by a bushy ground, which was likewise occupied by several bodies in close order.—The Austrians drove the

enemy out of the upper part of the village; but they were afterwards in consequence of their opponents being reinforced, compelled to relinquish what they had gained.—Both parties were aware of the necessity of maintaining themselves in Aspern at any rate, which produced successively the most obstinate efforts both of attack and defence: the parties engaged each other in every street, in every house and in every barn; carts, ploughs and harrows were obliged to be removed during an uninterrupted fire, in order to get at the enemy. Every individual wall was an impediment to the assailants, and a rampart to the attacked; the steeples, lofty trees, the garrets and the cellars were to be conquered before either of the parties could style itself master of the place, and yet the possession was ever of short duration; for no sooner had we taken a street or a house, than the enemy gained another, forcing us to abandon the former. This murderous conflict lasted for several hours; the German battalions were supported by Hungarians, who were again assisted by the Vienna volunteers, each rivalling the other in courage and perseverance. At the same time the second column combined its attacks with those of the first, having to overcome the same resistance, by reason of the enemy constantly leading fresh reinforcements into fire. At length general Vacquant, of the 2d column, succeeded in becoming master of the upper part of the village, and maintaining himself there during the whole of the night. By the shells of both parties many houses had been set on fire, and illuminated the whole country around. At the extremity of the right wing on the bushy meadow the

the combats were not less severe. The left flank of the enemy was secured by an arm of the Danube; impenetrable underwood, intersected only by footpaths, covered his front; and a broad ditch and palisadoes afforded him the advantage of a natural rampart. The enemy having, in consequence of the attacks of the first and second columns, taken up a position between Esslingen and Aspern, lieutenant-general Hohenzollern ordered up his batteries, and a brisk cannonade commenced on both sides. The first line of the third column, formed in close columns of battalions, now advanced with the greatest resolution upon the enemy, when his cavalry suddenly rushed forward in such numbers and with such rapidity, that there was scarcely time to save the artillery which had been brought up, and the battalions were left to defend themselves by their own unsupported exertions. This was the remarkable moment in which the regiments of Zach, Joseph Colloredo, Zetwitz, Froon, a battalion of Stein's, and the second battalion of the archduke Charles's legion, under the conduct of lieutenant-general Brady, and generals Buresch, Maicy, and Koller, demonstrated with unparalleled fortitude what the determination to conquer or die is capable of effecting against the most impetuous attacks. The enemy's cavalry turned these battalions on both wings, penetrated between them, repulsed the squadrons of O'Reilly's light horse, who were unable to withstand such a superior force, and, in the confidence of victory, summoned these corps of heroes to lay down their arms. A well-directed and destructive fire was the answer to this degrading proposition, and the enemy's cavalry abandoned the field, leaving be-

hind them a considerable number of dead. This corps, as well as the others, passed the night on the field of battle. The fourth and fifth columns were composed of the corps of lieutenant-general prince Rosenberg on either bank of the Rossbach, and directed their march from their position to the right and left of Deutsch Wagram. The fifth made a circuit round the town of Enzersdorff to drive the enemy out of it. A number of attacks were now made upon the enemy's lines, and he was driven into the village of Esslingen, which was set on fire; but, as he met each new attack with fresh reinforcements, because the safety of his retreat depended on the possession of this village, the Austrians were obliged to abandon it at the approach of night, and to await under arms the arrival of morning. The cavalry under prince Lichtenstein also distinguished itself.—The account then proceeds:—"For the first time, Napoleon has sustained a defeat in Germany. From this moment he was reduced to the rank of bold and successful generals, who, after a long series of destructive achievements, experience the vicissitudes of fortune. The charm of his invincibility is dissolved. No longer the spoiled child of fortune, by posterity he will be characterized as the sport of the fickle goddess. New hopes begin to animate the oppressed nations. To the Austrian army, the 21st of May was a grand and glorious epoch, that must inspire it with a consciousness of its strength, and a confidence of its energies. Overwhelmed by our irresistible infantry, its proud opponents were extended in the dust, and the presence of their hitherto unconquered emperor was no longer capable of snatching from the heroes of Austria the laurels

which they had acquired. Napoleon's glory was now obviously at stake: new efforts were to be expected the following day; but he was also obliged to fight for his existence. In the evening he was joined by Oudinot's corps, and all the disposable troops followed from Vienna and the Upper Danube. The archduke at night destroyed, by means of fire-vessels, the bridge on the Lobau. Scarcely had the morning dawned on the 22d, when the enemy renewed his attack, which far surpassed in impetuosity those of the preceding day. It was a conflict of valour and mutual exasperation. Scarcely had the French guards compelled gen. Vacquant to abandon Aspern, when the regiment of Klebek again penetrated into the burning village, drove back the choicest troops of the enemy, and engaged in a new contest in the midst of the conflagration, till, at the expiration of an hour, it was also obliged to give way. The regiment of Benjovsky now rushed in, and at the first onset gained possession of the churchyard, the walls of which field-marshal lieut. Hiller immediately ordered the first division of pioneers to pull down; and the church, together with the parsonage, to be set on fire. Thus was this regiment, supported by some battalions, commanded by gen. Bianchi, at length enabled to maintain itself at the entrance of the village, after overcoming the resistance, bordering on despair, of the flower of the French army.—The corps under prince Hohenzollern had to support a tremendous fire from cannon and howitzers, with which the enemy covered his front; but vain was every effort to shake the intrepidity of the Austrian troops. Napoleon rode through his ranks, and, according to the report

of the prisoners, made them acquainted with the destruction of his bridge, but added, that he had himself ordered it to be broken down, because in this case there was no alternative but victory or death.—Soon afterwards the whole of the enemy's line put itself in motion, and the battle became general. During the contest the archduke himself seized the colours of Zach; and the battalion, which had already begun to give way, followed with new enthusiasm his heroic example. Count Colloredo, the adjutant-general, was wounded with a ball in the head, as were most of the archduke's attendants. All the generals, fired with emulation, fought at the head of their troops; and the attacks of our impenetrable corps, both with the sabre and the bayonet, so rapidly repeated and so impetuous as to be unparalleled in military annals, frustrated all the intentions of the enemy. He was beaten at all points; and astonished at such undaunted intrepidity, he was obliged to abandon the field of battle. About noon, another assault was ordered upon Esslingen, which was undertaken by four grenadier battalions—five times did these gallant men rush up to the very walls of the houses, which were burning internally, and placed in a state of defence; and as often were their efforts fruitless, for their antagonists fought with desperation and despair. In the night between the 22d and 23d, the enemy accomplished his retreat to the Lobau, and at three in the morning his rear-guard also had evacuated Esslingen, and all the points which he had occupied on the left bank of the Danube.—Some divisions pursued him closely, and took possession as near as possible of the necessary posts of observation.”—The account then concludes;

concludes: "Thus terminated a conflict of two days, which will be ever memorable in the annals of the world, and in the history of war. It was the most obstinate and bloody that has occurred since the commencement of the French revolution. It was decisive for the glory of the Austrian arms, for the preservation of the monarchy, and for the correction of the public opinion.—The enemy's cavalry has seen its acquired but hitherto untied glory dissipated by the masses of our battalions, whose cool intrepidity it was unable to endure.—Three pieces of cannon, ammunition waggon, 17,000 French muskets, and about 3000 cuirasses, fell into the hands of the conqueror. The loss on both sides was very great: this, and the circumstance that very few prisoners were taken by either party, proves the determination of the combatants either to conquer or die."—The Austrian army laments the death of 87 superior officers, and 4199 subalterns and privates.—Lieut.-generals prince Rohan, Dedovich, Weber, and Frenel; generals Winzingerode, Grill, Neustadter, Siegenthel, Colloredo, May, Hohenfeld, and Buresch;—663 officers, and 15,651 subalterns and privates were wounded. Of these field-marshal Weber, eight officers, and 829 men, were taken prisoners by the enemy. "The loss of the enemy was prodigious, and exceeds all expectation. It can only be accounted for by the effect of our concentric fire on an exceedingly confined field of battle, where all the batteries crossed one another, and calculated by the following authentic data. Generals Lasnes, D'Espagne, St. Hilaire, and Albuquerque are dead; Massena, Bessieres, Molitor, Boudet, Legrand, Lasalle, and the two

brothers Legrange wounded; Durosnel and Foulers taken. Upwards of 7000 men, and an immense number of horses, were buried on the field of battle; 5000 and some hundred wounded lie in our hospitals. In Vienna and the suburbs there are at present 29,773 wounded; many were carried to St. Polten, Euns, and as far as Linz; 2300 were taken. Several hundred of corpses floated down the Danube, and are still daily thrown upon its shores; many met their death in the island of Lobau, and since the water has fallen in the smaller arms of the river, innumerable bodies, thus consigned by their comrades to everlasting oblivion, have become visible. The burying of the sufferers is not yet over, and a pestilential air is wafted from the theatre of death."—[A list of those officers, &c. who particularly distinguished themselves, follows.]

CAPTAIN BARCLAY.

12. This gentleman finished his Herculean task of walking one thousand miles in one thousand successive hours. He had until four *p. m.* to finish his task, but he performed his mile in the quarter of an hour after three, with perfect ease and great spirit, amidst an immense concourse of spectators. The influx of company had so much increased on Sunday, it was recommended that the ground should be roped-in. To this, however, captain Barclay objected, saying that he did not like such parade. The crowd, became so great on Monday, and he experienced so much interruption, that he was prevailed upon to allow this precaution to be taken, and on Tuesday morning the workmen began to rope-in the ground. For the last two days he appeared in higher spirits, and performed his mile with apparently more ease, and

in shorter time, than he had done for some days. With the change of the weather, he had thrown off his loose great coat, which he wore during the rainy period, and the last day performed in a flannel jacket. He also put on shoes remarkably thicker than any which he had used in any previous part of his performance. When asked how he meant to act, after he had finished his feat? he said he should that night take a good sound sleep, but that he must have himself awaked twice or thrice in the night, to prevent the danger of a too sudden transition from almost constant exertion to a state of long repose.—Immediately after his performance he went into a warm bath. The bells of Newmarket rang a welcome peal. The captain next put on his flannels by the advice of his surgeon, and went to bed, and was not called until 11 o'clock at night. He felt no inconvenience during the match, until the fourth week, when he became rather lame in the back sinews and calf of his right leg. The lameness could not be effectually removed, although he was much better at the termination of the match than at the end of the fourth week. The captain has won about 3000*l.* and the aggregate of betting may be computed at 100,000*l.*—One hundred to one, and indeed any odds whatever, were offered on Wednesday morning; but so strong was the confidence in his success, that no bets could be obtained. The multitude of people who resorted to the scene of action in the course of the concluding days was unprecedented. Not a bed could be procured on Tuesday night at Newmarket, Cambridge, or any of the towns and villages in the vicinity, and every horse and every species of vehicle was engaged. Captain

Barclay exceeded every mile a few yards, that there might be no pretence for cavil or dispute. It was computed that these exceeding amounted to upwards of twenty miles, so that he actually performed 1020 miles in the usual hours.

13. As three men in the employ of Mr. Hopkins, soap-boiler, Barbican, were cleaning out a cesspool, into which the spent lees had been emptied, they were overcome by the noxious effluvia, and fell apparently lifeless. A carman, a perfect stranger, hearing the cry, "Will no one go down to save the men?" volunteered his services. A rope was put round his body, and being let down, he seized one of the sufferers, and they were both dragged up together. They were all carried to Bartholomew's hospital, two of them without hopes of recovery.

FAIRLOP FAIR.

14. This fair was attended by a numerous assemblage of visitants.—The venerable and stupendous oak tree stands in Hainault Forest, about ten miles from London, four from the famous seat of the earl of Tynney, three from Ilford, and two from the village of Chigwell, in the county of Essex. The trunk of the main of this lord of the forest measures in girth 66 feet, or 22 feet in diameter, from which 11 large branches issue, each of the dimensions of a tree of moderate growth, and most of them measuring not less than 12 feet in girth. For many years past it has been gradually decaying; yet it still retains periodical powers of vegetation, though the loftiest parts of the boughs are withered. About 22 years ago, in the meridian of the day, the whole shadow extended over an acre of ground. We have not been able to learn, with any de-

gree

gree of precision, the age of this national ornament ; but comparing it with other large oaks, whose ages have been ascertained, and particularly with that viewed by his majesty in Oxfordshire, and lately felled in the domains of one of the colleges, the girth of which was 25 feet, and said to be 600 years old, it may not be unfair to conclude that Fairlop oak, being nearly thrice as large, is three times its age.

14. The lord chancellor stated in court, that reports had reached him that some lists of commissioners of bankrupts were closed for four months together, and emphatically declared, that *this must not be*. He particularly adverted to one instance, in which the list had been closed from the 13th of July till November. This he again repeated *must not be* ; and if any of the gentlemen present were commissioners, he desired they would take notice of this determination. He would give orders to his secretary to make inquiries from time to time into this subject, and report to the great seal. His lordship also adverted to another improper practice, viz. that of creditors signing the authority to the commissioners to allow the certificate before the final examination ; and intimated his intention to require that the dates of the signatures should be distinctly certified.

An application was lately made to the lord chancellor to commit a Mr. Jupp, and miss Jupp his daughter, upon the ground that they sought to effect a marriage between the young lady and a Mr. Horrocks, a minor and a student at Oxford, of large fortune, while Mr. Jupp was only a farmer.—It appeared from an affidavit of Mr. Jupp, produced on Thursday in court, that he is a gentleman of opulence, and able to give his daughter a large

fortune ; that he did not encourage the match ; but that, unless his lordship adopted some measures to protect him from the obtrusive visits of the young gentleman, it was not in his power to prevent the parties from running away. The lord chancellor said, he would consider what was best to be done as to that part of the case ; and added, that if the young lady encouraged the visits of Mr. Horrocks, he should certainly commit her.

LAW.

Our readers may recollect that during the late Inquiry, mention was made in the house of commons, by Mr. Wardle, of an office being established in the City, for the sale of places under government. Mr. Perceval at first treated this assertion of Mr. Wardle's (as he foolishly did many others) with ridicule and contempt ; but on inquiry he found it to be fact. He therefore, as he expressed it, laid a trap for the persons so employed, and the defendants in the following trial were caught in it. Had Mr. Perceval's snare been more widely spread, he must have inevitably caught his worthy colleague lord Castlereagh, who, by his own confession, was full as guilty in having intended to bribe a person with an offer of a place for a seat in the house of commons, as these people in having intended to sell a place under government for money. There seems little difference in the shades of guilt : the one was prevented from accomplishing his purpose, not by scruples of conscience—but solely by the refusal of the party he was treating with to complete the bargain ; and the others are hindered from finishing theirs, by a hired informer laying an information against them. The intent

was the same in both. See Debates in parliament.

COURT OF KING'S BENCH, July 14.

The king v. Pollman, Keylock, Hervey, and Watson.

The attorney-general stated the case against these four defendants. It was an indictment for a conspiracy, to get, receive, and take a large sum of money, to wit, 2000*l.* of one Obadiah Legrew Hesse, for obtaining for him the place of coast-waiter of the port of London, being a gift of the lords of the treasury. Mr. Legrew Hesse had been called to the bar, and had practised as a barrister for some time, and about the 9th of January last saw an advertisement in *The Morning Post* to the following effect:—"Civil appointment of permanency.—It is requested none but principals should apply.—The parties must also have the money ready for immediate lodgement in a respectable banker's hands. Purchase 1600*l.*; income 400*l.*, per annum. Apply personally to Messrs. Pollman and Keylock, Crown-court, Threadneedle-street. All letters must be post paid."—In consequence of this he applied to Messrs. Pollman and Keylock on the 11th of January, when he was informed that the appointment was sold, but that they had a coast-waiter's place in the Custom-house to be disposed of for 2000*l.*, which produced about 600*l.* a-year. He asked if he could really have it, and through whose interest?—They told him that the transaction was real, and that the interest was through a lady, but they could not tell him upon whose vacancy the place was to be filled up. They required a deposit of some money; and it was agreed that 10*l.* should be deposited, to be returned in two

days if the business did not proceed. There were afterwards some letters passed upon the business, and it was necessary to have a certificate of the gentleman's age, which was agreed to be dispensed with upon affidavit being made before a magistrate. Mr. Legrew Hesse then finding that the place was not one which could be legally saleable, gave information to government, and was supplied with money to make the deposit, in order to detect the parties. Upon the agreement to deposit a sum of money, Keylock produced a form of a receipt, which his banker, he said, always took upon these occasions, and in this receipt the purpose of the deposit was plainly stated. Mr. Hesse had a copy of this form, and was to meet the next day and deposit the residue of the 2000*l.* with the bankers. He accordingly called the 14th, and was introduced to the banking-house of Sikes, Snaith, and Co., where Mr. Watson, one of the defendants, and a junior partner of the house, read the receipt very attentively, but refused to sign such a receipt, which was upon a 5*s.* stamp, saying that it would not be right for his name, as a partner in the house, to appear in any such transaction. He then produced a common printed receipt, and filled it up as follows:—"Received, 14th of January, 1809, of Mr. Legrew Hesse, the sum of 1990*l.* to be applied according to his instructions in his letter of this date, marked A. For Sikes, Snaith and Self—John Watson.—1990*l.*—Several interviews were had between the parties, till at length Mr. Hesse was to be introduced to Mrs. Hervey, who lived at No. 4, Crown-street, Westminster, and who was to have 900*l.* of the money, and the other 900*l.* to go to the person who

who was to present the gentleman to the place, who it was stated was a lord of the treasury, and constantly about the duke of Portland. Mr. Hesse accordingly met Pollman and Keylock, and took a gentleman of the name of Hervey with him, at the Cannon coffee-house, and thence went to Mrs. Hervey's, where they saw her, and she said that she had received a bill of Pollman. In this conversation it was mentioned, that it would be necessary for Mr. Hesse to take an oath that he had not purchased the place: but Pollman said it was but a temporary oath, and many such were taken every day; indeed he might well take it, because in fact he did not buy the place, he only bought their interest. Pollman also talked about his means of information, and that the duke of Portland made 30,000*l.* per annum by the sale of places. The negotiation went on till the 30th of January, and at length the parties were all taken up upon a judge's warrant, grounded on an indictment which had been preferred against them for the conspiracy.

Mr. Hesse proved the whole of the above case. On his cross-examination he said, that he went at first with a fair intention to purchase a place; but finding it an illegal transaction, he applied to government, and gave information, and proceeded in the business for the purpose of detecting fraud. With respect to himself, he stated that he had formerly been a clerk in the office of a Mr. Willey, where there had been some business of discounting bills; that about the age of 17 or 18 he had discounted a few bills, but not since. That he knew one Cowderoy, a sheriff's officer, from being in the above office. That he had never been a wine-mer-

chant, only that he had sold four hogsheads of claret, which he had when he parted with his house, for 240*l.* and had lent a friend 128*l.* to furnish his house upon his bills. That he himself had fallen into embarrassments, and been obliged to keep out of the way till he had been outlawed; but that he had recovered from those embarrassments. He had been a pupil of Mr. Holroyd, and had been at the bar five years. It was five years since he practised.

Mr. Hervey confirmed his account as to the conversation at Mrs. Hervey's.

Mr. Crowch and Mr. Gregson stated the nature of the office, which was an office of trust in the customs, to receive and weigh and register all goods carried coastwise.

Mr. Espinasse, for the defendant Pollman, was about to contend that the offence, as charged, was not an offence against law.

Lord Ellenborough reminded him that this was an objection to be made in court, and not at the trial.

The learned counsel then said he should reserve his observations.

The common serjeant made some severe observations upon Mr. Hesse, as a barrister, for engaging at all in such a transaction, and said, if it was true that he, as a lawyer, supposed he was engaged in a legal transaction, his client (Keylock), who was a poor deluded man, was much more likely to be deceived. He called several witnesses, a Mr. Evans, Mr. Ebenezer Maitland, and the doctors Robert Winter, Garthshore, and Hundis, to his character.

Mr. Gaselee addressed the jury in behalf of Mrs. Hervey.

Mr. Dallas spoke also in behalf of Watson; when

Lord Ellenborough stopped him, and

and said, it did not appear from the evidence that Watson was acquainted with the unlawful purpose, or entered into the conspiracy as it was charged in the indictment, and therefore he must be acquitted.

The attorney-general suggested, that if he knew only a part of the transaction, which was illegal, and concurred in it, he joined in the conspiracy.

But lord Ellenborough still thought that the formal object of the conspiracy, as charged, did not appear to be known to him, and he must be acquitted.

The attorney-general replied, and defended the character of Mr. Hesse.

Lord Ellenborough said, he thought Hesse was hardly treated by the counsel, and that the advertisement gave no intimation to any lawyer that the place to be sold was any other than a place which might legally be sold. He summed up the evidence as it applied to each defendant, and the jury found all guilty, except Watson.

Admiralty-office, July 15.

Letter from capt. Samuel Warren to capt. Barrett of the Minotaur, transmitted by vice-admiral sir James Saumarez, bart. and K. B.

Bellerophon, off Dagerost, June 20.

Sir,—Pursuant to your signal to me of yesterday, I proceeded in his majesty's ship under my command off Hango; when at sun-set I discovered a lugger (apparently armed) and two other vessels at anchor within the Islands. Deeming it of importance to get hold of them, I anchored and detached the boats under the orders of lieutenant Pilch; and have to acquaint you, that they had gained complete possession of the vessels, which being found to be of no consequence, and under

cover of four strong batteries (before observed), supported by several gun-boats, were abandoned. It was then judged necessary, to prevent loss in returning, to detach at the nearest battery, mounting four 24-pounders (and, by a muster-roll found, garrisoned with 11 men), which, after an obstinate resistance, was carried in the most gallant manner, the Russians retreating to boats on the other side of the island. The guns were spiked and magazine destroyed.—Lieutenant Pilch reports to me the very able assistance he received from Lieutenants Sheridan and Bentham, lieutenant Carrington, royal marines, and Mr. Mart, carpenter (volunteers); and that more cool bravery could not have been displayed than by the officers and men employed on this service; and, considering the assistance met with, and heavy fire of grape-shot from batteries and gun-boats in the retreat, the loss is comparatively small, being five wounded.—It is the opinion of the officers that the loss of the enemy killed and wounded was considerable.

SAM. WARREN, capt.

At the court at the Queen's Palace the 12th July, 1809; presented the king's most excellent majesty in council.

It is this day ordered by his majesty in council, that a general embargo be forthwith laid (to continue until further orders) upon all ships and vessels in the united kingdom of Great Britain and Ireland, except his majesty's ships and vessels of war, and except such ships and vessels as shall be laden by the especial order, and under the directions, of the lords commissioners of his majesty's treasury, or the lords commissioners of the admiralty, with any kind of provisions.

visions or stores for the use of his majesty's fleets or armies; and also except such ships and vessels as are employed by the officers of the navy, ordnance, victualling, and customs: and the right honourable the lords commissioners of his majesty's treasury, and the lords commissioners of the admiralty, and the lord warden of the cinque ports, are to give the necessary directions herein as to them may respectively appertain.

W. FAWKENER.

THE TRIAL OF ADMIRAL LORD
GAMBIER.

Portsmouth, July 26.

The trial of adm. lord Gambier came on this day. The court-martial assembled about 11 o'clock, when the order for summoning the court, signed by the lords of the admiralty, was read by the judge-advocate. The order states, that lord Gambier had, by his letter of May 30th, requested his conduct to be inquired into during his command of the fleet in Basque roads. That it appears that on the 19th of April, the enemy's ships being on shore, and the signal having been made that they could be destroyed, the said lord Gambier did, for a considerable time, neglect or delay taking effectual means for their destruction. The instructions of the admiralty to lord Gambier, and various other documents, were afterwards read, and the court proceeded to the examination of witnesses, viz.—W. Stokes, master of the *Caledonia*; lieut. Hawkins, of ditto; Mr. Raven, master of the *Cæsar*; Mr. Thompson, master of the *Beagle*. Lord Cochrane was next examined. He stated, with the production of a number of charts, &c. that he had not only made signals of there being sufficient depth of

water and anchorage to enable lord Gambier to send in ships of the line to destroy the whole of the enemy's fleet that had taken shelter in the Isle of Aix, but that he had also written to the admiral to that effect. In proof of this his lordship produced two letters, in substance as follows:

“Caledonia, April 13.

“My dear lord, You have done your part so admirably, that I will not suffer you to tarnish it, by attempting impossibilities. You must therefore join me, as soon as you can, with the bomb, &c. as I wish to have some information from you before I close my dispatches.

“GAMBIER.

“P.S. I have ordered three brigs and two bombs to join you in the attempt; but I don't think it will succeed. You must come to me in the turn of the tide, as I want to send you to England as soon as possible.”

To which lord Cochrane replied:

“Impérieuse, April 13.

“My lord, I have just received your lordship's letter: We can destroy the enemy's ships on shore, of which I hope you will approve.

“COCHRANE.”

Lord Cochrane's testimony upon the whole went to maintain that there was a safe anchorage for six of our ships of the line; and had only two been ordered to the assistance of the frigates, at the time required by signals, his lordship was of opinion that seven sail, including a three-decker, of the enemy's ships might have been destroyed.

The hon. admiral Stopford being called to give evidence, declared that he did not think that, while the fleet lay in Basque roads, there was any delay or deficiency on the part of the commander in chief in executing

executing the service intrusted to him. Never understood that the *Impérieuse* had made signal that two sail of the line would be sufficient to destroy the enemy. Had himself recalled the *Cæsar*, *Theseus*, and *Valiant*, from Aix roads, in consequence of the imminent danger of the anchorage, as well as the strength of the batteries. The *Cæsar* was once aground, and all the vessels were within range both of shot and shells.—Thus far is nearly the outline of the two first days of the trial.

On the third day admiral Stopford further stated to the court, that he would not have risked the fleet in Aix roads, as the broadsides of the enemy commanded the passage, and the vessels would have been crippled in going in, and would not have afterwards been able to work out. The fire from the isle of Aix was uninterrupted.

Mr. Sparling, master of the *Impérieuse*, confirmed lord Cochrane's evidence in the most material parts; and stated that he had himself, previous to the attack, ascertained that there was safe anchorage for three or four sail of the line.

Captain Wolfe, of the *Aigle*, being called, deposed that he did not know, at the time of attack, that there was sufficient anchorage for six sail of the line—thought that, if the ships had remained at the first anchorage without removing to the second, they would have been destroyed by the shot and shells, which fell from the batteries. Was of opinion, that the commander in chief had neglected nothing which could insure success to the enterprise.

Captain Rodd confirmed the evidence of the preceding witness: after which, the president acquainted lord Gambier, that the evidence for the prosecution was closed.

On the fifth day lord Gambier entered upon a very masterly fence, of which we have room only for the following extract.

After a minute examination of the charge in all its details, and review of the evidence, as well of the whole of his conduct: Basque roads, lord Gambier drew the following deductions:—"First, That, during the whole of the service, the most unwearied attention was paid by me to its main object, the destruction of the enemy's fleet. Secondly, That in part of the service was more zeal and exertion shown, than during the whole of the 12th of April when I had necessarily in view two objects—the destruction of the enemy's fleet, and also the preservation of that under my command: If the extreme difficulties in approaching an enemy closely surrounded by shoals, and strongly defended by batteries, rendered caution in my proceeding peculiarly necessary. Thirdly, That 3 out of the 7 of the enemy's ships aground on the Pallas were, from their first being on shore, totally out of the reach of the guns of any ships of the fleet that might have been sent in; and that at no time whatever, either sooner or later, could they have been attacked. Fourthly, That the other 4 of the 11 ships of which the enemy's fleet consisted, were never in a situation to be assailed after the fire-ships had failed in their main object. These are the points of which I rest my justification, trusting, that it will appear to the court, upon their review of the whole case, that I did take the most effectual measures for destroying the enemy's fleet; that neither neglect nor unnecessary delay did take place in the execution of the service; and, on the contrary,

was owing to the time chosen by me for sending a force in to make the attack, that the service was accomplished with so very inconsiderable a loss. Had I pursued any of the measures deemed practicable and proper in the judgement of lord Cochrane, I am firmly persuaded the success attending this achievement would have proved more dearly bought than any yet recorded in our naval annals, and, far from accomplishing the hopes of my country, or the expectations of the admiralty, must have disappointed both. If such, too, were the foundation of his lordship's prospects, it is just they should vanish before the superior considerations attending a service involving the naval character and most important interests of the nation.

The following witnesses were then called in support of the defence:—Mr. E. Fairfax, master of the fleet; Mr. Stokes, capt. Bligh, &c. &c. They deposed generally, that there was no anchorage near the Buoyart Shoal—that had four sail of the line gone into Aix roads when the signal was made, they would have been exposed to inevitable destruction—and that no effort was left untried by the commander in chief to insure the destruction of the enemy's fleet.

The sixth, seventh, and eighth days were employed in examining witnesses.—At the request of lord Gambier, admiral Stopford, lieut. Hawkins, sir H. Neale, captains Hardyman, Seymour, Newcome, and Kerr, were examined, and supported the hon. admiral's statement. The court, for its own satisfaction, afterwards called captains Wolfe and Malcolm.

Captains Kerr, Malcolm, Burkhill, Ball, and Newman, were examined.

mined by the court, and their testimony was in direct contradiction to that of lord Cochrane; while the evidence of capt. Broughton, of the *Amelia*, tended, though but partially, to support the charges.

On the ninth and last day, by direction of the court, the judge advocate read the sentence:—“That the court having duly deliberated on the evidence in support of the charge exhibited against admiral the right hon. lord Gambier, and having also minutely weighed the evidence adduced by his lordship in his defence, have determined that the charge—that admiral the right hon. lord Gambier, on the 12th day of April, the enemy's ships being then on shore, and the signal having been made that they could be destroyed, did for a considerable time neglect or delay taking effectual measures for destroying them,” has *not* been proved against the said admiral lord Gambier; but that his lordship's conduct on that occasion, as well as his general conduct and proceedings as commander in chief of the Channel fleet employed in Basque roads, between the 17th day of March and the 29th day of April, 1809, was marked by zeal, judgement, ability, and an anxious attention to the welfare of his majesty's service, and therefore do adjudge him to be most honourably acquitted: and he is hereby most honourably acquitted accordingly.” The president then complimented lord Gambier on his acquittal, and returned him his sword.

As the night Bath coach was travelling near Colnbrook, the leaders took fright at the lightning, and became unmanageable; the consequence was, the animals started off at full speed, and the vehicle

was upset, and literally shattered in pieces. Nine persons were seriously hurt, and a female passenger died of her bruises, on being conveyed to Hounslow.—About two miles from the same spot a poor man was killed in a lane by a cart turning over, the animal also having plunged out of the road.—About 8 o'clock the same night, the neighbourhood of St. Albans was visited by a thunder-storm, which continued a considerable time, attended by rain, which fell in such torrents that the roads were quite inundated, and wood palings were thrown down, and other wood-work floated in the stream, which rendered the highways almost impassable; the atmosphere appeared like a sheet of fire, the air was impregnated with sulphur, and the lightning made such a hissing noise, and the whole presented a scene so frightful, that the horses on the road would not proceed.—This very severe tempest proved fatal to the cattle in the county of Norfolk. At Bradenham and Shipdam, a bullock and two cows were killed; and at Shenks Mill a cow, the property of Mr. Chephin, in the wildness of anxiety for the safety of her calf, which had strayed some distance, rushed into the mill-stream, and was followed by 19 bullocks. The rain falling in torrents, the banks were soon overflowed so considerably, that all efforts to rescue them became fruitless, and the whole were drowned.

YORK ASSIZES.

On Saturday July the 15th, the assizes for this county were opened at the Castle, before the hon. sir Alan Chambre. knt. and the hon. sir George Wood, knt.

David Purdon, jun. of Severley, butcher, was charged with the wil-

ful murder of Robert Gardner, on the same place, on the 10th of April last, by stabbing him in the side with a knife.

This was a trial which excited much interest; the prisoner was much respected, and the particular circumstances under which the deceased came by his death powerfully interested the feelings of the court in the prisoner's favour. The deceased was suspected by the prisoner, and, as appeared from the evidence, not without sufficient reason, of a criminal intercourse with his wife. A few minutes before this unfortunate event took place, he found his wife, at a very unseasonable hour, in company with the deceased in the street, which so irritated him, that he declared he would stab him, if ever he came into his house or premises. The deceased unfortunately persisted in accompanying the woman into the house, and the prisoner immediately said to the deceased, "D—n you, Gardner, I will stab you; you have huddled my wife in the street." He immediately made a thrust at him with a knife he had snatched from the table, and wounded him mortally. The unfortunate man languished until the 16th of April, and then expired. Previous to his death, he admitted that the suspicions of the prisoner were well founded; and which was indeed sufficiently apparent from other circumstances laid before the court.

The judge, in explaining the law to the jury, said, that if a man should kill another in the act of criminal intercourse with his wife it would not be murder, but manslaughter; but if a person who had received such injury should deliberately contrive the death of the person who had so injured him, it would

would doubtless be murder: his lordship, however, thought, that any circumstances which fell short of the actual crime, and yet should clearly indicate such an intention, might come within the meaning of law.

The jury, without a moment's deliberation, acquitted the prisoner of murder, and found him guilty of manslaughter only, to the satisfaction of a very crowded court.

POLICE, MARLBOROUGH-STREET.

24. J. Heath was charged with obtaining, of madame Purneil, 6*l.* by false pretences. Madame Purneil, a milliner in Berwick-street, stated, that the prisoner called at her house on the 10th ult., and represented himself to be Mr. Reeves, from the Alien Office; and that, in consequence of an information having been given by a female, that she was an unfit alien to remain in this country, he had called secretly to apprize her of the fact, as well as to advise her to give 10*l.*, which was what the informer wanted, to keep her quiet: at which she became much alarmed, lest any evil-disposed person might have given any misrepresentation of her. Influenced by this fear, she gave him 6*l.*, being all she had in the house, and he appointed to call for the remainder on the subsequent Saturday, having given her a strict caution not to let a second person know of the affair, as he would lose his situation if the fact got to the Alien Office. Instead of Saturday, he called on the Friday, and told the prosecutrix how vigilant the persons at the Alien Office were. This embarrassed her still more, and she gave him 2*l.* more. At length it was suspected that he was an impostor, and a young lady was placed behind the door to hear the conversation. On Saturday the 22d

inst. he called again, and talked about the immediate necessity of stopping the mouth of the informer. He was then desired to give his address, when he said his country-house was at Somers Town. Madame P. kept him in conversation whilst an assistant went for an officer; and, on her telling him she must suffer the law if he persisted in asking for the other 4*l.*, he said that she should not stop in the country five hours longer; but the officer soon stripped the wretch of his assumed authority. The prisoner behaved with the greatest audacity at the office, and wished the prosecutrix had the jewel (meaning the iron on his leg) through her nose. He was fully committed.

A dreadful explosion took place lately at Portsmouth, attended with the most melancholy consequences. The second battalion of the 8th regiment having been relanded a few days since, their baggage and ammunition were placed on Point Beach, where they remained till this morning, when an old woman emptying a pipe which she had been smoking among the baggage, the sparks fell on a barrel of gunpowder, and an instant explosion took place: the effect was most dreadful. About 30, men, women, and children, were literally blown to atoms, and the remains of their bodies, limbs, and heads, were strewed in all directions. One poor fellow was blown over the whole of the buildings in Point-street; another against the wall of the Union tavern, as high as the garret-window; the thigh of a third was blown as far as Broad-street Point. Numbers of legs, arms, &c. have been seen, taken from the tops of the houses; and the whole presented a scene shocking beyond description. All the houses below Broad-

street Point had their sashes blown out, and the Star-and-Garter and Union, together with every house from the beach upwards, have had the whole of their windows completely demolished. The barrel of gunpowder which exploded stood in a tier with 16 others, which, for several hours, were every moment expected to explode, as the smoking fragments were literally strewed over them; but a company of the Worcester militia, with some resolute sailors at their head, ventured to the spot, and cleared the burning fragments from the remaining barrels. Previous to this bold enterprise, which will doubtless be duly rewarded, almost all the families fled in confusion to Portsdown-hill, expecting the whole town would be destroyed by the apprehended explosion; but they have since returned, imploring blessings upon the heads of the brave fellows who saved the town from general destruction. Lindergreen's Store, the Star-and-Garter, and Union, were on fire for some time, but not destroyed. Many windows were broken at Gosport; and two ovens were blown down.

27. At Boston, this night, was experienced a most alarming tempest: it began about half past 8, and was not over till nearly 11. During great part of that interval the rain descended in torrents, and the thunder and lightning were of the most awful kind. About 10, four houses were struck by fire-balls; a window of one of the houses was driven in, the bed-clothes were torn off a bed, and a cat was killed.— At Kirton, near Boston, a mare and foal were killed by lightning; and a small house on the bank of the Forty-foot navigation was destroyed by it.

AUGUST.

COURT OF CHANCERY.

Lady Augusta D'Ameland and trustees v. His royal highness duke of Sussex.

3. A petition to the lord chancellor, by lady Augusta, was heard in Lincoln's Inn hall last Saturday on which it appeared that his majesty and his royal highness have made a liberal annual provision for lady Augusta and her children, it having been by agreement referred to Mr. Adam to arbitrate and award what sum remained due from his royal highness to lady Augusta. Mr. Adam had, in the month of April 1808, awarded the sum of 1690*l.* to be due and to be paid by his royal highness to lady Augusta on balance of the accounts referred and thereupon it appeared that lady Augusta had, by consent, on that part dismissed her bill in chancery.

That the award was made, and the 1690*l.* remained due, were denied; but his royal highness objected to the prayer of the petition for payment of that sum, because the bill was dismissed; and the lord chancellor on that ground pleased to dismiss the petition.

Lady Augusta must therefore apply for relief to some other jurisdiction.

On another application to the lord chancellor by their royal highnesses the dukes of Sussex and Cambridge, his lordship has been pleased to order lady Augusta's son, who is now near 16 years of age, to be removed from Harrow and Winchester school.

Admiralty-office, August 3.
Extract of a letter from capt. Martin, dated off Percola Point July 6, to sir J. Saumarez.

The Implacable and Melpomene having stood into the Gulf of Ne-

va, captured nine sail of vessels, laden with timber, spars and cordage, belonging to the emperor of Russia, and which, I doubt not, will prove a valuable acquisition to our own dock-yards. The boats of the ships under that active and valuable officer lieut. Hawkey (of whose enterprising spirit I had occasion to speak so highly when off Dantzic) have looked into every creek along the south coast of the Gulf, without finding any vessels whatever; and he is now on the opposite side with the same view.

P. S. Since writing the above, lieut. Hawkey has returned with three vessels, captured by the boats of the Implacable, Melpomene, and Prometheus, under his command; and he reports eight sail of gun-boats protecting some ships in shore, and is very desirous of attacking them; which shall be done, if there is a reasonable hope of success.

*H. M. S. Implacable, off Percola Point,
July 8.*

Sir, The position taken by the Russian flotilla under Percola Point seemed so much like a defiance, that I considered something was necessary to be done, in order to impress these strangers with that sense of respect and fear which his majesty's other enemies are accustomed to show to the British flag; I therefore determined to gratify the anxious wish of lieut. Hawkey to lead the boats of the ships named in the margin*, which were assembled by nine o'clock last night, and proceeded with an irresistible zeal and intrepidity towards the enemy, who had the advantage of local knowledge to take a position of extraordinary strength within two rocks, serving as a cover to their

wings, and from whence they could pour a destructive fire of grape upon our boats, which, notwithstanding, advanced with perfect coolness, and never fired a gun till actually touching the enemy; when they boarded sword in hand, and carried all before them. I believe a more brilliant achievement does not grace the records of our naval history; each officer was impatient to be the leader in the attack, and each man zealous to emulate their noble example; and the most complete success has been the consequence of such determined bravery: of eight gun-boats, each mounting a thirty-two and twenty-four pounder, and forty-six men, six have been brought out, and one sunk; and the whole of the ships and vessels (twelve in number) under their protection, laden with powder and provisions for the Russian army, brought out, and a large armed ship taken and burnt. I have deeply to lament the loss of many men killed and wounded, and especially that most valuable officer lieut. Hawkey, who, after taking one gun-boat, was killed by a grape shot in the act of boarding the second. No praise from my pen can do adequate justice to this lamented young man:—as an officer, he was active, correct, and zealous, to the highest degree; the leader in every kind of enterprise, and regardless of danger; he delighted in whatever could tend to promote the glory of his country. His last words were, "Huzza! push on! England for ever!" Mr. Hawkey had been away in the boats on different services since last Monday, accompanied with lieut. Vernon, whose conduct in this affair has been highly exemplary, and shown him worthy to be the com-

* Implacable, Bellerophon, Melpomene, and Prometheus.

panion of so heroic a man : but while I am induced to mention the name of Mr. Vernon, from his constant services with Mr. Hawkey, I feel that every officer, seaman, and marine, has a claim to my warmest praises, and will, I trust, obtain your favourable recommendation to the lords commissioners of the admiralty. Lieut. Charles Allen, of the *Bellerophon*, was the senior officer after Mr. Hawkey's death. I have just been informed that lieutenant Stirling of the *Pro-metheus*, who was severely wounded, is since dead : his conduct in this affair was very conspicuous ; and captain Forrest speaks highly in praise of the zeal and activity of his services on every occasion. I am sure you will readily believe that captain Forrest did not witness the preparations for the attack, without feeling an ardent desire to command it ; but I was obliged to resist his pressing importunity, as a matter of justice to Mr. Hawkey. The Russians have suffered severely in this conflict ; the most moderate statement makes it appear that two-thirds of them have been killed and wounded, or jumped overboard. Enclosed is a list of killed and wounded, the names of the officers employed, an account of vessels captured, and the number of prisoners.

T. B. MARTIN.

LONDON GAZETTE EXTRAORDINARY.

Downing-street, August 7.

The following dispatches were received last night from the earl of Chatham.

Head-quarters, Middleburgh, Aug. 2.

“ My lord, I have the honour of acquainting your lordship, that having sailed from the Downs early in the morning of the 28th ult. with rear-admiral sir Richard Stra-

chan, in his majesty's ship *Venerable*, we arrived the same evening and anchored in the East Capelle roads, and were joined on the following morning by the division of the army under lieut.-gen. sir J. Hope. It blew in the course of that day a fresh gale from the westward, which created a heavy swell, and the small craft being much exposed, it was determined to seek shelter for them in the anchorage of the Roompot, where lieut.-gen. sir J. Hope's division was also directed to proceed, in order to possess such points as might be necessary to secure the anchorage ; well as with a view to future operations up the East Scheldt. The wing of the army under lieut.-gen. sir Eyre Coote, particularly destined for the operations against Walcheren, arrived on the 29th and morning of the 30th ; but the wind continuing to blow fresh from the westward, and occasioning a great surf on the beach, both on the side of Zoutland, as well as near Domburg, it became expedient, in order to effect a landing, to carry the whole fleet through the narrow and difficult passage in the Veer Gat, hitherto considered impracticable for large ships ; which being successfully accomplished, and the necessary preparations for debarkation being completed, we have the satisfaction of acquainting your lordship that the troops landed on the Bree, and about a mile to the westward of Fort der Haak without opposition, when a position was taken up for the night on the sandhills, with East Capelle in front. Lieut.-gen. Fraser was detached immediately to the left against Fort der Haak and Ter Vere, the former of which on his approach was evacuated by the enemy ; but the town of Vere, which was strong in

its defence, and had a garrison of about 600 men, held out till yesterday morning, notwithstanding the heavy and well-directed fire of the bomb-vessels and gun-boats during the preceding day, and until the place was closely invested. Early on the morning of the 31st, a deputation from Middleburgh, from whence the garrison had been withdrawn into Flushing, having arrived in camp, terms of capitulation were agreed upon, copies of which I have the honour herewith to enclose, as well as that of the garrison of Ter Vere; and the divisions of the army under the orders of lieut.-gen. lord Paget and major-gen. Graham moved forward, and took up a position with the right to Maliskirke, the centre at Gryperskirke, and the left to St. Laurens.—On the morning of the 1st inst. the troops advanced to the investment of Flushing, which operation was warmly contested by the enemy. In this movement he was driven by major-general Graham's division, on the right, from the batteries of the Dykeshook, the Vygeter, and the Nole, while brigadier-gen. Houston's brigade forced the enemy posted on the road from Middleburgh to retire, with the loss of 4 guns, and many killed and wounded. Lieut.-gen. lord Paget's division also drove in the posts of the enemy, and took up his position at West Zouberg."

[His lordship here bestows great praise on lieut.-gen. sir E. Coote, and the officers commanding columns; likewise on the light troops under brig.-gen. baron Rortenburg, the 3d batt. of the royals, flank companies of the 4th reg., and generally on the whole of the troops.]

Ter Vere being in our possession, lieut.-gen. Fraser's division march-

ed in the evening upon Ruttern, detaching a corps for the reduction of Ramakins, which, when effected, will complete the investment of Flushing. I have to regret the temporary absence of brig.-gen. Browne, who was wounded late in the day, but I trust not long to be deprived of his services.—I have the honour to enclose a return of the killed, wounded, and missing. Deeply as the fall of every British soldier is at all times to be lamented, the loss will not appear to have been great, when the serious impediments it was in the power of the enemy to oppose to our progress are considered, as well as the formidable state of the batteries of Flushing, to which the troops were necessarily exposed. The pressure of circumstances has prevented the commanding officer of artillery from furnishing a detailed account of the guns and ordnance stores taken in the several batteries, and fortress of Ter Vere, but which will be hereafter transmitted, with a return of the prisoners taken since our landing, supposed to amount to 1000. Commodore Owen's squadron, with lieut.-gen. marquis of Huntley's division, remains at anchor in the Wieling Passage, and the divisions of lieut.-gen. the earl of Rosslyn and lieut.-gen. Grosvenor are arrived at the anchorage in the Vere Gat.

[The dispatch concludes with acknowledging the ability with which the fleet was conducted through the passage into the Vere Gat, and likewise the zealous exertions of the officers of the navy, as well as the seamen in dragging the artillery through a heavy sand.]

CHATHAM.

P. S. Since writing the above letter, I have received intelligence from lieut.-gen. sir J. Hope, that

the reserve of the army had effected their landing on South Beveland, and that a detachment had occupied the town of Goes.

[Articles of capitulation for the surrender of the town of Middleburgh follow. They stipulate for the protection of the peaceable citizens, as well as all private property, on condition that all fire-arms are given up, and the public property accounted for to British commissioners appointed for that purpose. Public functionaries and their families are to be permitted to retire to any other part of Holland. The capitulation of the fortress of Vere is likewise appended. The garrison surrendered prisoners of war, public property is to be delivered up, and the inhabitants of the town are to be protected in their privileges.]

Middleburgh, August 3.

My lord, Since my letter of yesterday's date, I have received intelligence from lieutenant-general sir J. Hope, of his having occupied Bantz, and taken possession of the whole island of South Beveland. I have also the satisfaction to acquaint your lordship, that, upon the batteries being prepared to open, the fortress of Ramakins surrendered this evening, and I have the honour to enclose the articles of capitulation.

CHATHAM.

[The capitulation of the fortress of Ramakins here follows. The garrison, consisting of only 127 men, surrendered prisoners of war.]

Admiralty-office, Aug. 7.

Dispatches brought by lieutenant J. Duncan, of the *Ida* cutter, were received yesterday evening from sir J. Strachan.

Venerable, off the Vere Gat, Aug. 4.

Sir, You have been already acquainted that I had hoisted my flag in the *Amethyst*, and that it was

my intention to have preceded the expedition, in company with the *Venerable*, on board which ship lord Chatham had embarked; but finding the public service might suffer from the commanders-in-chief being separated, I therefore shifted to the *Venerable*, and sailed from the Downs at daylight on the 28th ult.—I have now to acquaint you, for their lordships' information, of my arrival on the evening of that day in the *Stone Deeps*, with the *Amethyst* and several smaller vessels, where I was joined by the *Fisgard*, capt. Bolton, who had with great judgement placed vessels on the various shoals off this coast. After dark, lieutenant Groves, of this ship, with some skilful pilots in Deal boats, were dispatched to sound the Roompot channel, and to station vessels at its entrance.—Early next morning, the 29th, the division of lieutenant-general sir J. Hope, conducted by capt. Bathurst, in the *Salsette*, joined me, as did also rear-admiral sir R. Keats in the *Superb*. This zealous officer had the command of the blockading squadron off the entrance of the Scheldt; but, observing the armament pass, he, with his usual promptitude, left that squadron under the orders of lord Gardner, and resumed the charge of sir J. Hope's division: I therefore directed the rear-admiral to shift his flag to the *Salsette*, and to proceed to the Roompot.—The entrance to that channel is very narrow; and as I was aware of sir H. Popham's local knowledge of the insular navigation before me, I intrusted to that officer the service of leading sir R. Keats's division in, and which he did with great skill in the *Sabrina*, capt. Kittoe: the whole were anchored in safety opposite Zeerickzee, situated between the

the islands of Schowen and North Beveland.—That afternoon rear-admiral Otway with the left wing of the army, under sir E. Coote, joined me in the Stone Deep, but it blew too fresh to have any communication. On the morning of the 30th, sir H. Popham returned with a letter from sir R. Keats, acquainting me that the division under his charge were all safely anchored; and I was likewise informed that there was sufficient space in the Roompot to contain all the ships, to which anchorage sir H. Popham undertook to conduct them; and as it blew fresh, with all the appearance of an approaching gale, the squadron was instantly got under sail, and led in by the Venerable, when they all came to in safety off the Vere Gat.—As soon as the ships were secured, measures were instantly taken to prepare to land the army on the island of Walcheren. I did not wait for the gun-boats coming up, but ordered those who happened to be near the Venerable, together with the mortar brigs, to push in shore, to cover the landing, and to force the Derhaak battery. At half past four the boats put off under the direction of lord Amelius Beauclerc, of the Royal Oak, and capt. Cockburn of the Belleisle, and the troops were landed in excellent order, without opposition; the firing from the mortar and gun-vessels having driven the enemy completely from the Derhaak battery. Having thus accomplished this first object, I lost no time in directing the bombs and gun-vessels to proceed up the Vere Gat, off Camvere; and having given sir H. Popham, who at the request of lord Chatham had remained on shore with his lordship, permission to employ them as the service might require, he the next

morning began to cannonade Camvere, which had been summoned, but held out. The fire of the gun-boats was exceedingly well directed, and did much damage to the town.—The officers and crews engaged in that service had a great claim to my admiration for their conduct. Three of our gun-boats were sunk. In the afternoon it blew fresh; and as the strength of the tide prevented the bombs from acting, I directed the flotilla to fall back, preserving a menacing position. At night, capt. Richardson of the Cæsar, who was on the Dyke on shore, threw some rockets at the nearest battery of Camvere, and soon after the commanding officer of the town sent out an offer to surrender. A copy of the terms acceded to by lieut.-gen. Fraser, and captain Richardson, the senior naval officer on the spot, accompanies this letter.—The army under sir J. Hope landed at South Beveland on the 1st of this month; and by a letter from sir R. Keats, of yesterday's date, I find the whole of the island is in our possession, the enemy's ships are all above Lillo, and those most advanced, as high up as Antwerp. We are getting our flotilla through the slough into the Western Scheldt, to prevent succours being thrown in so Flushing by the canal of Ghent.

[The letter concludes with acknowledging the particular services of rear-admiral Otway, sir R. Keats, lord Beauclerc, and capt. Cockburn, and generally all the officers and seamen of his majesty's ships.]

R. J. STRACHAN.

Sabrina, off South Beveland, Aug. 1.

Sir I have the satisfaction to inform you, that sir John Hope and 7000 of his division of the army were landed on South Beveland this

this afternoon, since which I have been informed by message from him, that he was met on his approach towards Goes by the magistrates, into which place he is at liberty to enter whenever he pleases. Three of the enemy's ships of the line, and six brigs, are at anchor off the east end of South Beveland; the others, I conclude, have moved higher up the Scheldt.—Three of the four sloops I brought up with me struck in coming up. I have hoisted my flag in the *Sabrina*, and am not without hopes of getting the remaining parts of the division on shore, and most part of the army supplied tomorrow. R. G. KEATS.

The substance of this letter was sent by telegraphic communication from the *Sabrina*, at five o'clock. The six brigs are getting under sail and moving up the Scheldt apparently, but the ships of the line are still fast.

Sabrina, off Wemeldinge, Aug. 3.

Soon after I landed, I was informed by letter from sir John Hope, that Bathz had been evacuated in the night; and as he informed me the communication was open between Walcheren and this island, and he had sent to lord Chatham an account of the evacuation, I concluded you would hear it from hence, and went on to Bathz with a view to make observations, and from which I am this moment returned.

R. G. KEATS.

Sir R. J. Strachan, bart. &c.

10. During the late thunder-storm, a labourer, of Maidwell, in Northamptonshire, who had imprudently taken shelter under a tree, while in the act of calling to two of his companions to join him, was instantaneously struck dead by the lightning. On the above evening a sheep belonging to Mr. H. Bray,

butcher, of Coventry, was killed by the lightning, while taking refuge under a tree. A cow was also killed at Fillongly, the property of a poor industrious man.—Mr. John stone, of Idlicote, had five sheep killed, while standing under a tree. At Chippenham, Cambridgeshire, a tower windmill, the property of Mr. Thos. Chapman, was struck by lightning on the middle bolt of the sail, and shivered into 2460 pieces which were picked up and told from the sail. It came down at the corner, split the brick-work, and shivered a piece of the door. A few ounces of lamp-black that were in the mill were scattered about, and the paper which contained it scorched, but no damage was done to the inside of the mill.

Downing-street Aug. 11.

Dispatches from sir Arthur Wellesley, K. B.

Piacentia, 15th July.

My lord, After I had written to your lordship on the 1st instant, Joseph Bonaparte crossed the Tagus again, and joined Sebastiani with the troops he had brought from Madrid, and with a detachment from marshal Victor's corps, making the corps of Sebastiani about 28,000 men, with an intention of attacking Venegas's corps. Venegas, however, retired into the mountains of the Sierra Morena, and col. Larey with his advanced guard attacked a French advanced corps in the night, and destroyed many of them. The French troops then returned again to the Tagus, which river Joseph had crossed with the reinforcement which he had taken to Sebastiani's corps; and the last corps, consisting of 10,000 men only, was on the left bank of the Tagus, about Madrilejos, in front of Venegas, who was again advancing. The last accounts from

this quarter were of the 8th. The French army under Victor, joined by the detachments brought by Joseph from Sebastiani's corps, and amounting in the whole to about 35,000 men, are concentrated in the neighbourhood of Talavera, and on the Alberche; gen. Cuesta's army has been in the position which I informed your lordship that it had taken up, since I addressed you on the 1st instant. The advanced guard of the British army arrived on the 8th, and the troops which were with me on the Tagus arrived by the 10th; the 23d light dragoons and the 48th arrived yesterday; the 61st regiment will arrive to-morrow. I went to gen. Cuesta's quarters at Almarez on the 10th, and stayed there till the 12th, and I have arranged with that general a plan of operations upon the French army, which we are to begin to carry into execution on the 18th, if the French should remain so long in their position. The Spanish army under gen. Cuesta consists of about 38,000 men (exclusive of Venegas's corps), of which 7000 are cavalry. About 14,000 men are detached to the bridge d'Arzobispo, and the remainder are in the camp under the Puerte de Mirabete. I have the pleasure to inform your lordship, that the seven battalions of infantry from Ireland and the Islands, and the troops of horse artillery from Great Britain, arrived at Lisbon in the beginning of the month. Gen. Crauford's brigade is on its march to join the army, but will not arrive here till the 24th or 25th. ARTHUR WELLESLEY.

The following dispatches have been received from the earl of Chatham.

Head-quarters, Middleburgh, Aug. 7.
My lord, Nothing very material

has occurred since my last dispatch of the 3d inst. We have been unremittingly employed in bringing up the artillery of siege, ammunition, and stores, to the vicinity of Flushing; and the troops have been occupied in the construction of the batteries, and in carrying on the several works before the place, but which have been necessarily interrupted by the very heavy rains which have fallen here. The enemy is active and enterprising, and the garrison has certainly received considerable reinforcements from the opposite coast; nor has it been in the power of the flotilla hitherto to prevent it. Under these circumstances it has been found necessary to land lieut.-gen. Grosvenor's division; and the two light battalions of the king's German legion have been also for the present brought on shore. Immediately on the fall of Ramakins, I determined, as soon as the necessary arrangements were made, to pass the infantry of lieut.-gen. the earl of Rosslyn's corps, together with the marquis of Huntley's division, and the light brigades of artillery, into South Beveland, to form a junction with the reserve under lieut.-gen. sir J. Hope; and that the cavalry and ordnance ships, together with the transports for lieut.-gen. Grosvenor's division, the moment their services could be spared from before Flushing, should be brought through the Slow Passage, and proceed up the West Scheldt; but of course this latter operation cannot take place until a sufficient naval force shall have been enabled to enter the river, and to proceed in advance; but the very severe blowing weather we have constantly experienced, added to the great difficulty of the navigation, has hitherto baffled all their efforts.

efforts. By letters from lieut.-gen. sir J. Hope, I find that the enemy had on the 5th inst. come down with about 28 gun-vessels before Bathz, on which placê they kept up a smart cannonade for some hours, but were forced to retire by the guns from the fort; and every thing has since remained quiet in that quarter. CHATHAM.

Middleburgh, Aug. 8.

My lord, Since closing my dispatch of yesterday's date, the enemy, towards five o'clock in the evening, in considerable force, made a vigorous sortie upon the right of our line occupied by maj.-gen. Graham's division. The attack was principally directed upon our advanced piquets, which were supported by the 3d battalion of the royals, the 5th and 35th regiments under col. Hay. These corps, together with detachments of the royal artillery, the 95th, and light battalions of the king's German legion, received the enemy with their accustomed intrepidity; and, after a sharp contest of some duration, forced him to retire with very considerable loss in killed, wounded, and prisoners. In this affair the enemy has had another opportunity of witnessing the superior gallantry of British troops; in no instance has he succeeded in making the least impression throughout our line; and on this occasion, so far from profiting by his attempt, he has been obliged to relinquish some very advantageous ground where our advanced posts are now established. I cannot too strongly express my sense of the unremitting vigilance and ability manifested by maj.-gen. Graham, in securing and maintaining his post against the repeated attempts of the enemy to

dislodge him; and I have great satisfaction in acquainting your lordship, that the major-general mentions, in terms of the warmest approbation, the distinguished conduct and gallantry of the officers and troops engaged on this occasion.

CHATHAM.

[Here follows an abstract return of ordnance, ammunition, and stores, taken from the enemy.]

14. The assizes for the county of Somerset commenced this day, when capt. John Davison, of the royal marines, was found guilty of stealing a piece of muslin of the value of 30s. the property of James Bunter, mercer, of Taunton. He is to be transported for seven years.

Downing-street, Aug. 15.

The following dispatches were this day received from sir Arthur Wellesley.

Talavera de la Reyna, July 29.

My lord, Gen. Cuesta followed the enemy's march with his army from the Alberche on the morning of the 24th as far as Santa Olalla, and pushed forward his advanced guard as far as Torrijos. For the reasons stated to your lordship in my dispatch of the 24th, I moved only two divisions of infantry and a brigade of cavalry across the Alberche to Cassalegos, under the command of lieut.-gen. Sherbrooke, with a view to keep up the communication between gen. Cuesta and me, and with sir R. Wilson's corps at Escalona. It appears that gen. Venegas had not carried into execution that part of the plan of operations which related to his corps, and that he was still at Damiel, in La Mancha; and the enemy in the course of the 24th, 25th, and 26th, collected all his forces in this part of Spain, between Torrijos and Toledo,

Toledo, leaving but a small corps of 2000 men in that place. His united army thus consisted of the corps of marshal Victor, of that of gen. Sebastiani, and of 7 or 8000 men, the guards of Joseph Bonaparte, and the garrison of Madrid; and it was commanded by Joseph Bonaparte, aided by marshals Jourdan and Victor, and gen. Sebastiani. On the 26th gen. Cuesta's advanced guard was attacked near Torrijos, and obliged to fall back, and the general retired with his army on that day to the left bank of the Alberche, gen. Sherbrooke continuing at Cassalegos, and the enemy at Santa Olalla. It was then obvious, that the enemy intended to try the result of a general action, for which the best position appeared to be in the neighbourhood of Talavera; and gen. Cuesta having consented to take up this position on the morning of the 27th, I ordered gen. Sherbrooke to retire with his corps to its station in the line, leaving gen. M'Kenzie with a division of infantry and a brigade of cavalry, as an advanced post in the wood, on the right of Alberche, which covered our left flank. The position taken up by the troops at Talavera extended rather more than two miles; the ground was open upon the left, where the British army was stationed, and it was commanded by a height, on which was, in echelon and in second line, a division of infantry, under the orders of maj.-gen. Hill. There was a valley between this height and a range of mountains still further upon the left, which valley was not at first occupied, as it was commanded by the height before mentioned; and the range of mountains appeared too distant to have any influence upon the expected action.

The right, consisting of Spanish troops, extended immediately in front of the town of Talavera down to the Tagus. This part of the ground was covered by olive-trees, and much intersected by banks and ditches. The high road leading from the bridge over the Alberche was defended by a heavy battery in front of a church, which was occupied by Spanish infantry. All the avenues to the town were defended in a similar manner; the town was occupied, and the remainder of the Spanish infantry was formed in two lines behind the banks, on the roads leading from the town and the right, to the left of our position. In the centre, between the two armies, there was a commanding spot of ground, on which we had begun to construct a redoubt, with some open ground in its rear. Brig.-gen. A. Campbell was posted at this spot with a division of infantry, supported in his rear by gen. Cotton's brigade of dragoons and some Spanish cavalry. At about two, on the 27th, the enemy appeared in strength on the left bank of the Alberche, and manifested an intention to attack gen. Mackenzie's division. The attack was made before they could be withdrawn; but the troops, consisting of gen. Mackenzie's and col. Donkin's brigades, and gen. Anson's brigade of cavalry, and supported by gen. Payne, with the other four regiments of cavalry, in the plain between Talavera and the wood, withdrew in good order, but with some loss, particularly by the 2d battalion 87th regiment, and 2d battalion 31st regiment, in the wood. Upon this occasion, the steadiness and discipline of the 45th regiment, and the 5th battalion 60th regiment, were conspicuous; and I had particular reason for being

ing satisfied with the manner in which maj.-gen Mackenzie withdrew his advanced guard. As the day advanced, the enemy appeared in large numbers on the right of the Alberche, and it was obvious that he was advancing to a general attack on the combined army. Gen. Mackenzie continued to fall back gradually upon the left of the position of the combined armies, where he was placed in the second line, in the rear of the guards, col. Donkin being placed in the same situation further upon the left, in the rear of the king's German legion. The enemy immediately commenced his attack in the dusk of the evening, by a cannonade upon the left of our position, and by an attempt, with his cavalry, to overthrow the Spanish infantry, posted, as I have before stated, on the right: this attempt failed entirely. Early in the night he pushed a division along the valley, on the left of the height occupied by gen. Hill, of which he gained a momentary possession, but maj.-gen. Hill attacked it instantly with the bayonet, and regained it. This attack was repeated in the night, but failed, and again at daylight in the morning of the 23th, by two divisions of infantry, and was repulsed by maj.-gen. Hill. Maj.-gen. Hill has reported to me in a particular manner the conduct of the 29th regiment, and of the 1st battalion 48th regiment, in these different affairs, as well as that of maj.-gen. Tilson and brig.-gen. Richard Stewart. We have lost many brave officers and soldiers in the defence of this important point in our position; among others I cannot avoid to mention brig.-maj. Fordyce and brig.-maj. Gardner; and maj.-gen. Hill was himself wounded, but, I am happy to say,

but slightly. The defeat of this attempt was followed about noon by a general attack with the enemy's whole force upon the whole of that part of the position occupied by the British army. In consequence of the repeated attempts upon the height on our left by the valley, I had placed two brigades of British cavalry in that valley, supported in the rear by the duc d'Albuquerque's division of Spanish cavalry. The enemy then placed light infantry in the range of mountains on the left of the valley, which were opposed by a division of Spanish infantry under lieut.-gen. Des Bassecourt. The general attack began by the march of several columns of infantry into the valley, with a view to attack the height occupied by maj.-gen. Hill. These columns were immediately charged by the 1st German light dragoons, and 23d dragoons, under the command of gen. Anson, directed by lieut.-gen. Payne, and supported by gen. Fane's brigade of heavy cavalry; and although the 23d dragoons suffered considerable loss, the charge had the effect of preventing the execution of that part of the enemy's plan. At the same time he directed an attack upon brig.-gen. Alex. Campbell's position in the centre of the combined armies, and on the right of the British. This attack was most successfully repulsed by brig.-gen. Campbell, supported by the king's regiment of Spanish cavalry and two battalions of Spanish infantry; and brig.-gen. Campbell took the enemy's cannon. The brigadier-general mentions particularly the conduct of the 97th, the 2d battalion 7th, and of the 2d battalion 53d regiments; and I was highly satisfied with the manner in which this part of the position was defended. An attack was also

also made at the same time upon lieut.-gen. Sherbrooke's division, which was on the left and centre of the 1st line of the British army. This attack was most gallantly repulsed by a charge with bayonets, by the whole division; but the brigade of guards, which were on the right, having advanced too far, they were exposed on their left flank to the fire of the enemy's battery and of their retiring columns; and the division was obliged to retire towards the original position, under cover of the 2d line of gen. Cotton's brigade of cavalry, which I had moved from the centre, and of the 1st battalion 48th regiment. I had moved this regiment from its original position on the heights, as soon as I observed the advance of the guards; and it was formed in the plain, and advanced upon the enemy, and covered the formation of lieut.-gen. Sherbrooke's division. Shortly after the repulse of this general attack, in which apparently all the enemy's troops were employed, he commenced his retreat across the Alberche, which was conducted in the most regular order, and was effected during the night, leaving in our hands 20 pieces of cannon, ammunition, tumbrils, and some prisoners. Your lordship will observe by the inclosed return, the great loss which we have sustained of valuable officers and soldiers in this long and hard-fought action, with more than double our number: that of the enemy has been much greater. I am informed that entire brigades of infantry have been destroyed; and, indeed, the battalions that retreated were much reduced in numbers. By all accounts their loss is 10,000 men: Gens. Lapisse and Morlot are killed; gens. Sebastiani and Boulet wounded. I have par-

ticularly to lament the loss of maj.-gen. Mackenzie, who had distinguished himself on the 27th, and of brig.-gen. Langworth of the king's German legion, and of brig.-maj. Becket of the guards. Your lordship will observe, that the attacks of the enemy were principally, if not entirely, directed against the British troops. The Spanish commander in chief, his officers, and troops, manifested every disposition to render us assistance, and those of them which were engaged did their duty; but the ground which they occupied was so important, and its front at the same time so difficult, that I did not think it proper to urge them to make any movement on the left of the enemy, while he was engaged with us. I have reason to be satisfied with the conduct of all the officers and troops. I am much indebted to lieut.-gen. Sherbrooke for the assistance I received from him, and for the manner in which he led on his division to the charge with bayonets. To lieut.-gen. Payne and the cavalry, particularly gen. Anson's brigade; to maj.-gens. Hill and Tilson, brig.-gens. A. Campbell, R. Stewart and Cameron, and to the divisions and brigades of infantry under their commands respectively, particularly the 29th regiment, commanded by col. White; the 1st battalion 48th, by col. Donnellan, afterwards, when that officer was wounded, by maj. Middlemore; the 2d battalion 7th, by lieut.-col. sir W. Myers; the 2d battalion 52d, by lieut.-col. Bingham; the 97th, by col. Lyon; the 1st battalion of detachments, by lieut.-col. Purbury; and the 2d battalion 31st, by major Watson; and of the 45th, by lieut.-col. Guard; and 5th battalion 60th, commanded by major Davy on the 27th. The advance

advance of the brigade of guards was most gallantly conducted by brig.-gen. Campbell; and, when necessary, that brigade retired, and formed again in the best order. The artillery, under brig.-gen. Howorth, was also throughout these days of the greatest service; and I have every reason to be satisfied with the assistance I received from the chief engineer, lieut.-col. Fletcher, the adjt.-gen. brig.-gen. the hon. C. Stewart, and the quarter-master-general, col. Murray, and the officers of those departments respectively, and from col. Bathurst and the officers of my personal staff. I also received much assistance from col. O'Lawler, of the Spanish service, and from brig.-gen. Whittingham, who was wounded when bringing up the two Spanish battalions to the assistance of brig.-gen. A. Campbell. I send this by capt. lord Fitzroy Somerset, who will give your lordship any further information, and whom I beg to commend. A. WELLESLEY.

*From sir A. Wellesley, Talavera,
Aug. 1.*

Since I had the honour of addressing you on the 29th July, the enemy have continued to keep a rear-guard of about 10,000 men on the heights to the left of the Alberche. The extreme fatigue of the troops, the want of provisions, and the numbers of wounded to be taken care of, have prevented me from moving from this position. Brig.-gen. Crauford arrived with his brigade on the 29th in the morning, having marched 12 Spanish leagues in little more than 24 hours.

*From sir A. Wellesley, Talavera,
Aug. 1.*

When I addressed you this morning, I had not received the report

from our out-posts. It appears that the enemy withdrew the rear-guard, which was posted on the heights on the left side of the Alberche, last night at 11 o'clock, and the whole army marched towards Santa Olalla; I conclude with an intention of taking up position in the neighbourhood of Guadarama.

AMERICA.

Proclamation of the president of the United States of America enforcing the non-intercourse act against this country.

"Whereas, in consequence of communication from his Britannic majesty's envoy extraordinary and minister plenipotentiary, declaring that the British orders in council of January and November, 1807, would be withdrawn on the 10th of June last, and by virtue of an act of congress, entitled An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, I, William Maddison, president, &c. did issue a proclamation on the 19th of April last, declaring that the orders in council aforesaid would be withdrawn on the 20th of June, after which the trade might be renewed; and as it is now officially made known to me that the orders in council are not withdrawn agreeably to the declaration aforesaid, I do hereby proclaim the same, and that the acts above still remain in force.

"JAMES MADDISON."

"Washington City, }
Thursday, Aug. 10." }

[According to the instructions issued to the collectors of customs in the ports of the United States, British vessels which sailed before the

the proclamation of the American government had been known at the respective ports from whence they had taken their departure, are to be exempt from the operation of the non-intercourse act.]

Admiralty-office, August 19.

The following dispatches have been received from sir R. J. Strachan, bart. K. B. rear-admiral of the white, &c. addressd to the hon. W. W. Pole.

Kangaroo, in the West Scheldt, off the Kaloot, Aug. 11.

Sir, I beg leave to acquaint you, for the information of the lords commissioners of the admiralty, that I am this moment going up to Bathz, in South Beveland, which has been attacked by a strong detachment of the enemy's flotilla, and which, by sir R. Keats's reports, consists of two frigates, one bearing a vice-admiral's flag, 30 brigs, eight luggers or schooners, and 14 gun-boats.—I was under the necessity of detaining our flotilla, to prevent supplies being thrown into the garrison at Flushing, and to assist in cutting off its communication with Cadsand; which service was effectually done, except during the late heavy gales, which drove the gun-boats from their stations, and prevented our ships entering the Scheldt, from the circumstance of their not being able to weigh their anchors. Since the weather has moderated, the wind has provokingly drawn round to the south-east, which is the only obstacle that prevents lord W. Stuart, with a squadron of ten heavy frigates, passing Flushing, as well as rear-admiral lord Gardner, with the effective line-of-battle ships, taking up the anchorage in Dykeshook Bay, where I intend his lordship shall remain, with a view of having the assistance of that squa-

dron in our further operations against the enemy, and eventually to proceed up the Scheldt.—The divisions of the army under the earl of Rosslyn and marquis of Huntley landed on South Beveland on the 9th.—The cavalry and ordnance ships, with the brigs and some sloops of war, have passed through the Slough into the West Scheldt, and are now availing themselves of every favourable tide to proceed to Bathz. I am also endeavouring to warp the Pallas and Circe through by the same channel, and with every probability of success. Sir Home Popham was detached with some gun-vessels, for the purpose of sounding the river, and of joining sir Richard Keats at Bathz.—The batteries are not yet ready to open on Flushing; therefore I hope to be here again in time to cooperate with the army in the attack on that garrison. I am concerned to add, that the enemy has cut the dyke to the right of the town, and the island is likely to be inundated. I have ordered rear-admiral Otway to send the Monmouth and Agincourt to England for water, as soon as they can be got down from Zierickzee; and earnestly entreat that other means may be adopted for supplying the army and navy from England, as I apprehend all the water in this island will be spoiled by the inundation, and that there is not more in the other islands than is necessary for the subsistence of the inhabitants. Their lordships must be aware that, in this extensive and complicated service, it is impossible for me to enter so fully into detail as I could wish, especially as our arrangements must vary in proportion with the movements of the enemy.—In my absence I have directed rear-admiral Otway to superintend the several duties

relative to the investment of this island, and to correspond with the admiralty on all matters of service.—Capt. Dobie, who acted in the *Pallas* during the absence of capt. Seymour, is the bearer of this dispatch. He had my flag for some time in that ship, and has been particularly attentive to the public service.—In consequence of the protracted siege of Flushing, and the necessity for the flotilla going up the Scheldt, I have ordered guns from the ships of war to fit twenty transports as gun-ships, and with launches of the ships under rear-admiral Otway, to form a flotilla for the lower part of the Scheldt, which I trust their lordships will approve.—You will please likewise to inform their lordships that lord Gardner has ordered the *Centaur* and *Theseus* to cruize off the Texel.

R. J. STRACHAN.

Kangaroo, in the West Scheldt, Aug. 12.

Sir, Having directed the frigates named in the margin* to proceed up the West Scheldt, under the orders of lord Wm. Stuart, captain of the *Lavinia*,—the moment the wind was favourable, that zealous officer availed himself of a light air from the westward on the afternoon of the 11th instant, notwithstanding the tide was against his proceeding, and passed the batteries between Flushing and Cadsand. The ships were under the enemy's fire nearly two hours. The gallant and seaman-like manner in which this squadron was conducted, and their steady and well-directed fire, excited in my breast the warmest sensations of admiration. The army witnessed their exertions with ap-

plause; and I am certain their lordships will duly appreciate the services of lord Wm. Stuart, the captains, officers, seamen, and marines, on this occasion. No very material accident happened, except by a shell striking *L'Aigle*, and which fell through her decks into the bread-room, where it exploded; one man was killed, and four others wounded; her stern frame is much shattered.—Lord Wm. Stuart's modest letter accompanies this dispatch, together with a return of the killed and wounded, and the damages sustained by his majesty's ships in forcing the entrance of this river.

Kangaroo, in the West Scheldt, Aug. 13.

Sir, I had dispatched sir Home Popham with the sloops, brigs, and vessels, named in the margin†, together with a light flotilla, under captains Lyford, Lowe, and Buck, up the West Scheldt, to sound and buoy the channels of that river, to enable the larger ships to advance, for the purpose of putting into execution the ulterior objects of this expedition. Sir Home Popham has executed this service with his usual judgement and correctness. I have the honour to inclose, for their lordships' information, a copy of a letter I have received from sir Richard Keats, to whom I have given the command of the naval part of our operations in the upper part of both Scheldts, until I get the frigates advanced under lord William Stuart, and which will be done with the utmost dispatch.

R. J. STRACHAN.

Fort Bathz, August 12.

Sir, I have the honour to inform you, that, in pursuance of your di-

* *Lavinia, Heroine, Amethyst, Rota, Nymphen, L'Aigle, Euryalus, Statira, Dryad, and Perlin.*

† *Sky-lark Harpy, Challenger, La Fleche, Pilot, Parthian, Darin, Thais, Cracker, Bloodhound, Galgo (rocket ship).*

rections, I arrived at Bathz yesterday; and in order, if practicable, to make an attack on the enemy's flotilla more complete, I ordered thirty flat boats armed with carro-nades, and some other boats from the ships under my orders, to rendezvous at this place, and meet the flotilla under sir Home Popham; but before the arrival of either, six of the enemy's gun-boats having grounded on a bank within reach of the artillery of the fort, after sustaining some injury by it, were abandoned; five of which were destroyed, and the other brought in. The arrival of sir Home Popham and my boats from the East Scheldt took place nearly at the same time; but the enemy's flotilla moved up to Lillo with the same tide that brought ours to Bathz, one of which was handsomely burned by the advanced gun-boats, almost amongst them. As the navigation of the West Scheldt is now open as far as it can possibly be cleared by the navy, and a flotilla force of upwards of fifty sail in the East Scheldt demand attention, and I can at any time return in a few hours to this place, it is my intention to repair this morning to the Superb, where I have ordered the boats of my division. Sir Home Popham is examining the channels. Although we are now masters of the navigation to Lillo, it may be proper to observe, that it is in the enemy's power, by sending a superior naval force, to deprive us of it, as far as Bathz (before some larger ships ascend), whenever he pleases.

R. G. KEATS.

LONDON GAZETTE EXTRAORDINARY.

Downing street, Aug. 19.

The following dispatch was this day received from the earl of Chatham, K. G.

Head-quarters, Middleburgh, Aug. 16.

My lord, I have the honour of acquainting your lordship, that on the 13th inst. the batteries before Flushing being completed (and the frigates, bombs, and gun-vessels, having at the same time taken their stations), a fire was opened at about half-past one *p.m.* from 52 pieces of heavy ordnance, which was vigorously returned by the enemy. An additional battery of six 24-pounders was completed the same night, and the whole continued to play upon the town with little or no intermission till late on the following day.—On the morning of the 14th inst., about ten o'clock, the line-of-battle ships at anchor in the Durloo Passage, led by rear-admiral sir Richard Strachan, got under weigh, and kept up as they passed a tremendous cannonade on the town for several hours with the greatest gallantry and effect. About four in the afternoon, perceiving that the fire of the enemy had entirely ceased, and the town presenting a most awful scene of destruction, being on fire in almost every quarter, I directed lieut.-gen. sir E. Coote to send in to summons the place; gen. Monnet returned for answer, that he would reply to the summons as soon as he had consulted a council of war: an hour had been allowed him for the purpose; but a considerable time beyond it having elapsed without any answer being received, hostilities were ordered to recommence with the utmost vigour, and about 11 o'clock at night one of the enemy's batteries, advanced upon the sea dyke in front of lieut.-gen. Fraser's position, was most gallantly carried at the point of the bayonet by detachments from the 36th, 71st, and light battalions of the king's German legion, under lieut.-

col. Pack, opposed to great superiority of numbers: they took 40 prisoners, and killed and wounded a great many of the enemy.—I must not omit to mention, that on the preceding evening an intrenchment in front of major-gen. Graham's position was also forced in a manner equally undaunted, by the 14th regiment, and detachments of the king's German legion, under lieut.-col. Nicolls, who drove the enemy from it, and made a lodgement within musket-shot of the walls of the town, taking one gun and 30 prisoners.—About two in the morning the enemy demanded a suspension of arms for 48 hours, which was refused, and only two hours granted; when he agreed to surrender according to the summons sent in, on the basis of the garrison becoming prisoners of war. I have now the satisfaction of acquainting your lordship, that, these preliminaries being acceded to, as soon as the admiral landed in the morning, capt. Long, adjutant-general, and capt. Cockburn of the royal navy, were appointed to negotiate the further articles of capitulation, which I have now the honour to enclose. They were ratified about three this morning, when detachments of the royals on the right, and of his majesty's 71st regiment on the left, took possession of the gates of the town. The garrison will march out to-morrow, and will be embarked as speedily as possible.—I may now congratulate your lordship on the fall of a place so indispensably necessary to our future operations, as so large a portion of our force being required to carry on the siege with that degree of vigour and dispatch, which the means of defence the enemy possessed, and particularly his powers of inundation (which was rapidly

spreading to an alarming extent)) rendered absolutely necessary.—Having hoped, had circumstances permitted, to have proceeded up the river at an earlier period, I had committed to lieut.-gen. sir E. Coote the direction of the details of the siege, and of the operations before Flushing; and I cannot sufficiently express my sense of the unremitting zeal and exertions with which he has conducted the arduous service intrusted to him, in which he was ably assisted by lieut.-colonels Walsh and Offerey, attached to him as assistants in the adjutant and quartermaster-general's department.—[Here follow some encomiums on the troops.] The active and persevering exertions of the corps of royal engineers have been conducted with much skill and judgement by col. Fyers, aided by lieut.-col. D'Arcey; and it is impossible for me to do sufficient justice to the distinguished conduct of the officers; and men of the royal artillery, under the able direction and animating example of brig.-gen. M'Leod.—The seamen, whose labours had been so useful to the army, sought their reward in a further opportunity to distinguish themselves; and one of the batteries was accordingly intrusted to them, and which they served with admirable vigour and effect.—I must here beg to express my strong sense of the constant and cordial cooperation of the navy on all occasions; and my warmest acknowledgements are most particularly due to capt. Cockburn of the Belleisle, commanding the flotilla, and capt. Richardson of the Cæsar, commanding the brigade of seamen landed with the army. [I have the honour to enclose a return of the garrison of Flushing; in addition to which I have learned that, besides the number

ber killed, which was considerable, upwards of 1000 wounded men were transported to Cadsand previous to the complete investment of the town.—I also subjoin a statement of deserters and prisoners, exclusive of the garrison of Flushing.—This dispatch will be delivered to your lordship by my first aide-camp, major Bradford, who is fully qualified to give your lordship further information, and whom I beg leave earnestly to recommend to his majesty's protection.

CHATHAM.

[Here follow the articles of capitulation. The garrison of Flushing, amounting to 4379 men*, are allowed to march out with the honours of war, but are to lay down their arms on the glacis, and be sent prisoners of war to England. The other stipulations, which show that the whole island is to be permanently annexed to the British empire, relate entirely to the military and civil arrangements.]—The return of prisoners and deserters taken in the island of Walcheren amounts to 1700 rank and file.—Our loss, we rejoice to state, is trivial, consisting of 3 officers, 23 rank and file killed; 15 officers, and 94 rank and file wounded.

Admiralty-office, Aug. 20.

Dispatches were received last night from sir R. J. Strachan, addressed to the hon. W. W. Pole.

St. Domingo, Flushing-roads, Aug. 17.

Sir, I have much satisfaction in acquainting you, for the information of their lordships, that the town and garrison of Flushing have

capitulated on the terms a copy of which I send herewith.—Their lordships have already been apprised it was my intention to have proceeded up the Scheldt, with the division of frigates under lord W. Stuart, and that the greater part of our flotilla had advanced to Bathz, in the charge of sir H. Popham, by whom the enemy were driven above Lillo, where their ships and gun-brigs had taken up a strong position. The command of the important service of the Scheldt I have given to sir R. Keats; and he has my directions to cooperate with lieutenant-general the earl of Rosslyn, as well as to use every means in his power for capturing or destroying the fleet and flotilla of the enemy.—Rear-admiral lord Gardner remained with the ships named in the margin† off Dykeshook, and his lordship had received my direction to hold that squadron in readiness to go against the garrison of Flushing.—On the 12th inst. I was informed by lord Chatham, that the advanced batteries were sufficiently prepared to open on the enemy the day following, at one o'clock in the afternoon; and as it appeared to me of consequence that the line-of-battle ships should pass the town at the same moment, I therefore abandoned my intention of going up to the advanced flotilla, and, proceeding to Dykeshook, hoisted my flag in the St. Domingo. The batteries opened on the garrison, as it was previously settled, at one in the afternoon of the 13th inst., and the fire was returned with great vigour by the enemy.—The bombs and

* Lord Chatham, in his next dispatch, dated the 18th inst., incloses the articles of capitulation of the islands of Schawen and Duiveland, and corrects this return of the garrison of Flushing, which amounted to 5803 men; and these added to the number killed or taken prisoners, make the force originally opposed to us in Walcheren amount to 9000 men.

† St. Domingo, Blake, Repulse, Victorious, Denmark, Audacious, and Venerable.

gun-vessels under the direction of capt. Cockburn, of the Belleisle, were most judiciously placed at the south-east end of the town; and to the south-west, capt. Owen, of the Clyde, had, with equal skill and judgement, placed the bomb- and other vessels under his orders. I had much satisfaction in witnessing the fire that was kept up by the squadrons under the command of these two officers, and the precision with which the shells were thrown from the bombs. Unfortunately, the wind was too scant to allow me to weigh when the batteries opened; but it proving more favourable the following day, I immediately put that intention into execution, and at ten in the forenoon of the 14th proceeded with the ships already named towards Flushing, meaning to pass to a more convenient anchorage for placing the squadron against it, when such a measure should appear to be necessary.—This squadron was led in by the St. Domingo, bearing my flag, and I was followed by the Blake, with the flag of rear-admiral lord Gardner; the other ships advanced in succession. Soon after we had opened our fire, the wind came more southerly, and the St. Domingo grounded inside of the Dog-Sand. Lord Gardner, not knowing our situation, passed inside of us, by which the Blake also grounded. The other ships were immediately directed to haul off, and anchor as previously intended.—After being some time in this situation, during which the enemy's fire slackened, by the active and zealous exertions of capt. Owen of the Clyde, who came to our assistance, and anchored close to the St. Domingo, she was got off; and soon after I had the satisfaction of seeing the Blake also afloat, and come to

anchor with the rest of the squadron.—I was much pleased with the conduct and exertions of capt. Gill, of the St. Domingo, and his officers, and with the steadiness, energy, and good order of the ship's company. Lord Gardner bears equal testimony to the behaviour of the officers, seamen, and marines of the Blake; and his lordship mentions the assistance he received from capt. Codrington in the highest terms of praise.—The fire of the enemy towards the evening had considerably abated; the town was burning in many places, and much damage was done to the houses. At seven o'clock I received a message from lieut.-gen. sir E. Coote, requesting I would cease hostilities, as a summons had been sent into Flushing; but at night the fire again commenced, and was kept up without intermission until two o'clock of the morning of the 15th, when the French commandant gen. Monnet offered to surrender. This was communicated to me by the lieut.-general, and in consequence I directed the flag of truce to be hoisted at day-light on board his majesty's ships, and that hostilities should cease.

The lieutenant-general having also intimated his wish that two commissioners should be sent on the part of the navy, to assist in the proposed capitulation, I accordingly nominated lord Gardner to meet sir E. Coote at East Zouburg, and to take with him capt. Cockburn, to act in conjunction with the officers on the part of the army. Shortly after, I received a message from the earl of Chatham, requesting to see me at Zouburg. On my arrival there, I found his lordship had selected col. Long, adjutant-general of the army, and capt. Cockburn, to be the commissioners for settling

settling the terms of capitulation, which were finally concluded late in the evening of the 15th.

[The dispatch concludes with commendations on rear-admirals Otway, Keats, and lord Gardner, sir H. Popham, captains C. Richardson and Blamey, of the *Cæsar* and *Harpy*, and 1st lieut. May, of the *St. Domingo*.]

R. J. STRACHAN.

[Here follows a letter from admiral Keats, stating that sir H. Popham had, with a division of gunboats, cut off the communication between the East and West Scheldt. —Another from capt. Cockburn, who commanded the flotilla of gunboats, praising the officers and men under his command; and an inclosure from capt. Otway, of the *Monarch*, relative to a detachment of seamen and marines placed under the orders of capt. Richardson, of the *Cæsar*, and employed in constructing and manning several batteries, which service they executed with the utmost gallantry and effect.]

The only naval officers killed, are lieut. Rennie, of the *Marlborough*, and lieut. Russell and surgeon Burnside, of the *San Josef*. None dangerously wounded. Total—seamen killed 18, and 37 wounded.

Downing-street, Aug. 26.

The following dispatch has been received from major Maxwell, of the royal African corps, addressed to viscount Castlereagh.

Senegal, July 18.

My lord, When I had last the honour of writing to your lordship, I communicated such information as I had received concerning the situation of the French colony of Senegal, and my opinion of the practicability of reducing it with a small force: I also mentioned the annoyance we had received at Goree

and its vicinity, from their privateers, during the absence of ships of war from that station. On the 24th June, commodore Columbine arrived at Goree with the *Solebay* frigate, and brig *Tigress*, having the colonial schooner *George*, *Agin-court* transport, and several merchant vessels under convoy: and having communicated to him what intelligence I had lately obtained, we thought the reduction of Senegal practicable with the force we possessed, provided no obstacles should prevent our being able to pass the bars at the mouth of the river. To this attempt I was induced by considerations which I trust your lordship will conceive to be of weight. I was of opinion that the colony of itself would be an acquisition of importance to the nation, from its commerce: that by the French government, as it had always been much valued, its loss would be proportionally felt; and that by driving the enemy from their sole possession on the coast, his majesty's settlements, and the British commerce, would be more secure, and more easily protected. Having therefore procured some light vessels and boats, the best adapted for passing the bar, a detachment of the garrison of Goree, consisting of 6 officers, 6 serjeants, 4 drummers, and 150 rank and file, was embarked on board the *Agin-court* transport on the 4th of July, when we sailed, and anchored at the bar on the evening of the 7th. Next morning commodore Columbine was of opinion the troops might be passed over the bar, which was accordingly effected through much difficulty by the exertions of the navy. We unfortunately, however, lost a schooner and sloop, containing much of our provisions and ammunition; and the schooner *George*

went on shore inside the bar. I landed the detachment, and 60 royal marines from the ships of war, on the left bank of the river, where I took up a position, with a view to wait till provisions could be passed from the shipping, and the schooner *George* could be got off. We then learnt that the enemy had made a formidable line of defence at the post of the Babague, 12 miles up the river, where there is a battery, in front of which three cannoniers and four other vessels were moored, and the whole protected by a strong boom drawn across the river. On the 9th we were attacked, but speedily repulsed the enemy, and drove them within their line at Babague; after which we returned to get off the schooner, which was effected on the following evening. The 11th was employed in refitting the schooner, and embarking provisions and water. The *Solebay* frigate and *Derwent* sloop of war were ordered to anchor opposite to the post of Babague, and bombard it, which was executed with much effect. During the night, in shifting her birth, the *Solebay* unfortunately got aground, but in a position which enabled her still to annoy the enemy. On the morning of the 12th the troops were embarked, and the flotilla proceeded up the river, till just without gun-shot of the enemy's line of defence; and when every thing was in readiness for a night attack, we received information that it was the intention of the French commandant to capitulate.—Willing to spare an unnecessary effusion of human blood, the attack was postponed. On the morning of the 13th, we discovered that the boom was broken, that the enemy had abandoned the battery and vessels, leaving their colours flying, and shortly afterwards a let-

ter was received from messrs. Degrigny and Dureau, in the name of the commandant of Senegal, offering to capitulate. Mr. Heddle, surgeon to the forces, who had acted as my aid-de-camp during the campaign, was sent forward to treat with these gentlemen, and soon returned with the articles of capitulation, which I inclose, and which we ratified. I immediately took possession of the battery of *Isle aux Anglois*; and in the course of the evening the battery of *Guelander* facing the town.—Next morning the garrison laid down their arms, and were embarked. We then found that the force which had been employed against us amounted to 160 regular soldiers, and 240 militia and volunteers. We had no reason, however, to count on much opposition from the latter part of the enemy's force.

[The dispatch concludes with speaking in high terms of captain Titley, lieutenant Bones, and the other officers of the royal navy and marines, as well as Mr. Heddle, assistant commissary Hamilton, and captain Odlum, the bearer of the dispatch.

C. W. MAXWELL,
Major R. A. corps.

The following letter from *Beachy-Head* will afford a striking proof to posterity of the triumphant superiority of England on her favourite element, the ocean!

Beachy-Head, Aug. 22.

This morning I was witness to the easy capture of two vessels off this place by a lugger privateer, carrying 14 guns, which immediately sailed for the French coast altogether. Privateers are continually lurking about this and the neighbouring coast; a frigate is stationed off *Hastings*, but of no use;

use; it is a most mortifying scene to an Englishman to view from his own shores the audacity of a Frenchman—the navy we possess being more than sufficient to keep them in their own ports; yet we see here every day some disgrace practised upon ours; it is expected, and no doubt is entertained by the officer at the signal-post here, that to-morrow morning the same privateer will appear off the coast. About an hour after the capture, near 30 coasters hove in sight, part of which inevitably have shared the same fate. The admiralty is extremely neglectful, and the country justly calls aloud for explanation. A few cutters would keep clear the coast, for want of which our trade is annoyed, and our country is insulted. It is to be observed, that frigates are of no use off this coast!

Nine o'clock, P. M.—Two more privateers have just appeared in view, and about 15 sail of coasters are in sight also!

From Newhaven, also, several letters to the same tune have been received:—

Newhaven, Aug. 22.

Not a day has passed for more than a week, without an enemy's cruizer being in sight of this place; and there are often three or four large luggers, which have taken several vessels. Yesterday evening three privateers were in sight; and as the Oporto fleet passed in the night without convoy, there is no doubt that many will be missing, as the privateers might capture as many as they could man. I saw one of the privateers this morning capture a galliot and a schooner, with which she bore away to leeward. Twenty sail of vessels are now in sight, and we have not observed a British cruizer for a considerable time.

“ Newhaven, Aug. 24.

A galliot was taken off this place yesterday, and a brig this morning.

P. S. A ship, apparently of 6 or 700 tons burthen, has just been taken by a privateer.

Eastbourne, Aug. 24.

Two ships were taken off Beachy-head last night, by two French luggers; one of them, I believe, was from Oporto, the other I took to be an American; making ten vessels taken off the Head within a few days. We have only the Alpha schooner on this station; the Aspera sloop of war was here, but I have not seen her for three weeks. The signal is now flying at the Head for two luggers, which have taken a brig and a sloop, and sent them for France: at present there is nothing here to molest them.

MILITARY GENERAL ORDERS.

The commander-in-chief has received the king's commands to notify to the army the splendid victory obtained by his troops in Spain under the command of lieutenant-general the right hon. sir Arthur Wellesley on the 27th and 28th of last month, at the battle of Talavera de la Reyna. His majesty is confident that his army will learn with becoming exultation, that the enemy, after escaping by a precipitate retreat from the well-concerted attack with which sir Arthur Wellesley, in conjunction with the Spanish army, had threatened him on the 24th of July, concentrated his force, by calling to his aid the corps under the French gen. Sebastiani and the garrison of Madrid; and, thus reinforced, again approached the allied army on the 27th of July; and on this occasion, owing to the local circumstances of its position, and to the deliberate purpose of the enemy to direct his whole

whole efforts against the troops of his majesty, the British army sustained nearly the whole weight of this great contest, and has acquired the glory of having vanquished a French army, double their numbers, not in a short and partial struggle, but in a battle obstinately contested on two successive days (not wholly discontinued even throughout the intervening night), and fought under circumstances which brought both armies into close and repeated combat. The king, in contemplating so glorious a display of the valour and prowess of his troops, has been graciously pleased to command that his royal approbation of the conduct of the army serving under the command of lieutenant-general sir Arthur Wellesley shall be thus publicly declared in general orders.

The commander-in-chief has received the king's commands to signify, in the most marked and special manner, the sense his majesty entertains of lieutenant-general sir A. Wellesley's personal services on this memorable occasion, not less displayed in the result of the battle itself, than in the consummate ability, valour, and military resource, with which the many difficulties of this arduous and protracted contest were met and provided for by his experience and judgement. The conduct of lieutenant-general Sherbrooke, second in command, has entitled him to the king's marked approbation. His majesty has observed with satisfaction the manner in which he led on the troops to the charge with the bayonet—a species of combat which on all occasions so well accords with the dauntless character of British soldiers. His majesty has noticed with the same gracious approbation, the conduct of the several

general and other officers. All have done their duty; most of them have had occasions of eminently distinguishing themselves, the instances of which have not escaped his majesty's attention. It is his majesty's command, that his royal approbation and thanks shall be given, in the most distinct and most particular manner, to the non-commissioned officers and private men. In no instance have they displayed with greater lustre their native valour and characteristic energy; nor have they on any former occasion more decidedly proved their superiority over the inveterate enemy of their country. Brilliant, however, as is the victory obtained at Talavera, it is not solely on that occasion that lieutenant-general sir A. Wellesley, and the troops under his command, are entitled to his majesty's applause. The important service effected in an early part of the campaign by the same army under the command of the same distinguished general, by the rapid march on the Douro, the passage of that river, the total discomfiture of the enemy, and his expulsion from the territory of one of his majesty's ancient and most faithful allies, are circumstances which have made a lasting impression on his majesty's mind; and have induced his majesty to direct, that the operations of this arduous and eventful campaign shall be thus recorded, as furnishing splendid examples of military skill, fortitude, perseverance, and of a spirit of enterprise, calculated to produce emulation in every part of his army, and largely to add to the renown and to the military character of the British nation.

By order of the right. hon. the commander-in-chief,

HARRY CALVERT, adj. gen.
Horse Guards, 18 Aug. 1809.

ZITTAU.

4. The archduke Charles thus notified to the army his resignation: "Very important reasons have induced me to request his majesty to accept my resignation of the command of the army intrusted to me. I yesterday received his consent, and at the same time his orders to transfer the chief command to the general of cavalry prince of Lichtenstein. While I leave the army, I take the most lively interest in its fate. The perfect conviction I have of its bravery, the confidence I place in it, and the constant habit of dedicating my exertions to its service, render this separation indescribably painful. I flatter myself that it participates in, and returns the sentiment."

(Signed) "CHARLES."

Prince John of Lichtenstein has very extensive estates in Germany, part of which has been the scene of warfare. His loss of property amounts to upwards of 2,000,000 of florins.

The contributions imposed on the Austrian provinces have been divided, by a decree of Napoleon, as follows:

Upper Austria 38,000,000 franks, Lower Austria 50,000,000, Saltzburgh 11,400,000, Stiria 44,880,000, Carinthia 18,210,000, Carniola 15,260,000, Goritia 910,000, Trieste (exclusive of the city) 2,410,000, Hungary 7,680,000, Znaym 7,490,000.—Total 196,240,000.

The Tyroleans still continue to maintain a now unavailing warfare; and the efforts of these brave people sufficiently manifest the facility with which French aggression might be repelled, did princes and cabinets, who have at their disposal the resources of great states, exert themselves with the same vigour and resolution.

Among the expedients resorted to by the Tyroleans to supply the deficiency of fire-arms, was the use of wooden guns—some of these, having fallen into the hands of the Bavarians, have been lodged in the arsenal at Munich; whither vast crowds resort daily to view them.

Dr. Schneider, the leader of the Vorarlbian peasantry, who had surrendered himself on a promise of pardon, has been confined in the fortress of Asperg.

The insurrection in the valley of the Inn had dreadful consequences. Besides Schwartz, 17 villages are in ruins. From thence as far as Kufstein and the pass of Strubb, whole espaliers of dead peasants are seen hanging.

Innsbruck, Aug. 15.

Along the whole neighbouring frontiers of the Tyrol general insurrection prevails. Wounded men have been brought here from the environs of Hin de Lang, five leagues south from Kempton. The notorious chief Kofer, of Passayer, has had the audacity to reply to the French order to appear in Innsbruck by the 10th of August, That he would come, but accompanied by 10,000 sharp shooters. It is he who now occupies the Brenner, with a large force of peasants. The attempt to dislodge them from the pass of Burgh, not far from Steinach, has not succeeded. They depended not so much on firing, as pieces of rock and beams of timber, which they hurl from the high mountains on both sides into the narrow valley.

The aeronaut Garnerin lately ascended from Tivoli, a pleasure-garden at Paris, at ten at night; and descended between seven and eight the following morning at Vals, a small league from Aix-la-Chapelle, in the circle of Westphalia.

The

The French papers give the addresses of the prefects of Brussels, Jemappe, the Seine, and some districts, on the occasion of calling out the national guards to oppose the expected invasion of the English; but there is nothing in these addresses worthy of remark, further than as they show, that Bonaparte had carried into action, either on the Danube or in Spain, the whole of his regular troops, leaving even his capital to the defence of its citizens.

Letter from the French minister of police to the mayor of Paris.

“Sir, After the peace of Tilsit, the English, whose power was lost if war ceased upon the continent, wished to burn Copenhagen. Now that Austria is ready to receive peace from the conqueror, the English would burn Flushing; they threaten with their bombs Antwerp, whose dock-yards, lately so deserted, have rapidly increased, at the voice of our emperor, the fleets that were preparing to conquer those of England. The English flatter themselves with being able to set fire to our coasts. Of her own accord, all France will fly to their defence; but we must regulate this noble impulse, in order to render it useful. What is the force of Napoleon’s army of reserve? Ask the ministers of the cabinet of St. James. We can now reply to them. The army covers in its rapid march the roads from Paris to Antwerp—let them send their agents to count it. Let them know, that not a soldier from the armies of Napoleon will quit his standards to come and defend the territory of his empire. What Frenchmen would not take up arms when the soil of France is touched by the enemy? Are not the French armies national guards, and the na-

tional guards armies? The audacity of the English only prepares a new trophy for the trophies that are to decorate the feast of peace. Still you take a particular interest in the glory of this capital. Too often our enemies have accused it of having energy only in tumults. Let it at once confound the calumnies of its enemies and their incendiary hopes. On the east and on the west France is victorious 200 leagues from her frontiers. She will also triumph in the interior, in order that no kind of glory may be wanting.”

The following is a list of the ministers of state which have been created dukes: the minister secretary of state (Maret), duke of Basano; the minister of foreign affairs (Champagny), duke of Cadore; the minister of general police (Zouche), duke of Otranto; the minister of finance (Gaudin), duke of Gaeta; the minister of war (gen. Clarke), duke of Velletri; the minister of justice (Regnier), duke of Massa and Carrara.

The mayor of Antwerp has issued the following proclamation:

“Our advantageous situation, the flourishing state to which our city was destined, and at which it had partly arrived; the great deposits which were within our walls; have drawn on us the envy of the most inveterate enemy of France. Her interest requires our downfall. Willingly would she make our beautiful city another Copenhagen; but the mind of the great Napoleon is careful for our fate. From his continual affection for his good city of Antwerp, he has sent us a prince to defend and deliver us, who is the honour of France, and the delight of the army. Our governor, equally distinguished for his civil and military virtues, will cooperate for this purpose with the well-disciplined

ciplined and brave troops of the general. On our part also we have duties to fulfil, and have already made a beginning. Full of confidence, we have remained undisturbed, and have endeavoured to cooperate with ardour in the general defence. Let us then continue to give every proof of our unshaken resolution. His majesty the emperor has ordered that this city and the inhabitants shall provide themselves with all necessary provisions for six months. Admirable is the providential care which the wisdom of the hero takes for us, and certainly this care does not originate from fear; for none of us can with reason know fear. A committee from the municipal council, to take the most effectual measures to fulfil this salutary command, has been formed; but, to carry it into execution, the assistance of all the more wealthy citizens will be required. Let us therefore, at the wise providence of our emperor, early place ourselves in a state of preparation against all possible events. The more necessitous classes of the inhabitants may rely on the paternal care of the magistrates, who will provide for their maintenance in case of need. The magistracy will exert its endeavours to prove that they have entered into and fulfilled the views of his majesty.

“WERBROUCK”.

“From the hotel of the mayoralty of the city of Antwerp.”

SEPTEMBER.

1. William Iley, under ostler at the Swan in Chertsey, was married Aug. 8. In the evening, some interruption was given to the harmony of the new married couple and their friends, by two young men who threw a stone at the door. W. Vincent, son of a butcher, coming by,

was assailed as the supposed aggressor. This produced a quarrel, so much so that Vincent next day watched Iley going to his business at the Swan, and beat him so unmercifully as to break one of his ribs, and caused several contusions on his head: he was conveyed home, and died on the Sunday following. Coroner's jury returned a verdict of—Died by the visitation of God.—The neighbourhood deeming this by no means correct, some disorderly proceedings took place, with a threat to pull down Vincent's house, &c. Upon this, the magistrates called a special meeting on the 23d of August. Several medical and other witnesses were examined; and, after the most minute investigation, the magistrates were fully satisfied that he had died in consequence of the blows he had received from W. Vincent, who has since surrendered to take his trial.—One of the witnesses was Mr. Summers, a respectable young apothecary and surgeon of Chertsey. After giving his evidence, it was imputed to him, that, being the medical man who attended Vincent's family, he had delivered himself more favourably as to the cause of Iley's death than the circumstances would warrant, and that with a view to shelter Vincent. Hand-bills were published in Chertsey, and even doors and shutters written upon, reflecting, in very gross language, on Mr. Summers; other mortifying attacks were likewise made upon him by some of his neighbours. At length this gentleman, being naturally of a desponding nervous habit, about seven o'clock this morning left his house, and repaired to the Abbey river, from the side of which, after placing his stick in the mud, he threw himself in, and was drowned.

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This occurrence has produced an universal sentiment of keen regret.

FORGED NOTES.

By the late trials at the assizes for Lancaster, it appears that a traffic in one-, two-, and five-pound notes has existed for some time to a most alarming extent. The governor and company of the Bank of England have long been aware of these forgeries, and they have taken means of detecting and bringing to punishment many of the delinquents. It appeared that the traffic in forged notes was carried on in Lancashire and the adjoining counties, on a larger scale than was ever known before; and a witness stated that he had been assured by one of the prisoners, that at Birmingham he could buy forged small notes by wholesale, enough to load a jackass; and it appeared these were retailed by poor, ignorant, deluded wretches, few of whom could write or read, at from five to ten shillings in the pound. Birmingham was clearly traced to be the fountain-head from whence these forgeries flowed, and Wales and Scotland the parts where they were principally past. Comparatively but a small portion found their way to London, as here they were liable to be detected almost immediately. It was found in many instances, that the forgers had blundered in the signatures of clerks of the Bank of England who had long been dead, and some of the notes bore the christian names of those who signed them. From these inconsistencies, and the general bad colour of the paper of which they were fabricated, they were not likely to pass undiscovered in London, and were, therefore, chiefly circulated in remote parts from the metropolis. The agents

of the Bank, however, have been so extremely vigilant, that thirteen prisoners were brought to trial, and it is to be hoped that a death blow has been given to this iniquitous business, the principal names of those concerned in this nefarious practice, as well as the coiners of counterfeit gold, having been discovered and made known.

The method adopted for taking into custody all the prisoners of the above description, tried at these assizes, was well preconcerted. Aware that great alarm would be excited by apprehending them separately, it was contrived that they should all be taken in one day, and the 25th of July was fixed, on account of its being near the time of the commencement of the assizes. Nadin, the constable of Manchester, gave in the court the following account relative to the particulars of taking a notorious vender of forged notes, of the name of Bolton:—About one o'clock on the morning of the 25th of July last, with proper assistants, he went to the prisoner's house. He knocked, but the door not being opened, he forced it, and got in. The place was all darkness; but hearing a noise, and somebody going up stairs, he at length found out the staircase, pursued; and took a man prisoner; he followed and secured another, which proved to be Bolton, who, as well as the other, had nothing on but his shirt. A lighted candle having been by this time procured, on further search, the prisoner's daughter was found. Nadin then went into the back room, where he found, hid in the closet, Bolton's wife, who was quite undressed. Having thus seized on all the persons in the house, he began his search for the forged notes. Among the coals were found

found 92 notes of 1*l*. each ; in a large mug with water in it, many more of the same description, a quantity torn in pieces, and two 5*l*. notes ; in a pickling-jar, with liquor in it, were found forty-one 2*l*. notes, with a quantity torn to pieces ; and in another room, 20 more.

The cant terms for false notes are *softs* and *screens*—of counterfeit gold, *yellow*s. It appeared, the paper composing the notes was manufactured in Ireland ; and the forgeries executed at Manchester and Birmingham. Various accounts, similar to the above, were given by the officers employed in taking into custody these unhappy deluded people, who imagined they were free from danger, if the forged notes were not actually found in their possession ; and that they could not be convicted, unless by the evidence of a third person seeing them take the money for the disposal of them.

CHARGE OF MURDER BY THE KEEPER OF A LUNATIC.

The following extraordinary trial came on at the last Lancaster assizes.

William Bell was charged with the wilful murder of William Brown, by violence and ill-treatment, while under his care, as keeper of the asylum at Manchester for the reception of lunatics.

Robert Brown (the brother of the lunatic) deposed, that the deceased was so much deranged in his mind, that it was agreed by his family to send him to the asylum for lunatics, where he and several of his relatives accompanied him in the month of March last ; that he went to see him shortly afterwards ; when he saw him, he was very bad ; and Dr. Winstan-

ley, who attends the patients, informed him there was no hope of his getting better. He remained eighteen days in the asylum, and then was fetched away. The deceased was very much deranged, but knew the witness. As he was getting into the coach, he complained several times of his back paining him very much. He was taken from Manchester to Hendon, where, on his promise to be very quiet, his strait waistcoat was taken off. He appeared sensible for several days, so much so, that he was permitted to sleep with his wife. On the Monday after the Friday on which he was taken away, Mr. Sanderson, the governor of the asylum, called to see him. After he was gone, the deceased was put to bed, and, when lying on his back, he appeared to be very uneasy, and, in consequence, the witness put his hand under his back to alter his position, when he called out, apparently in great agony, "Brother, my breast bone is broken." The witness asked him who did it ; when he replied, "Bell did it ;" and he appeared quite sensible he was dying. He said his prayers that afternoon, and every day afterwards, till the time of his death. The deceased also told the witness, on the Friday, when he was taking him from the asylum to his house, that all his ribs were broken from his back-bone, except two ; and the witness conceived him to be in a dying state. On his cross-examination, he said, that at the time the deceased first mentioned his ribs were broken, he imagined it only proceeded from his rambling mind. On the evening after Mr. Sanderson's visit, the deceased complained so much of his ribs being broken, that the witness was induced to feel them, and he

he was then convinced of the truth of his assertion. The deceased complained very much of the prisoner, and said, it was he that had broken his ribs and breast-bone; and the witness being convinced his ribs were broken, sent for Dr. Agnew to attend him. The deceased lived two days after this: and after his death, witness went to the asylum, and said, "they had murdered his brother," and made several threats against the prisoner.

This testimony was also corroborated by the wife of the deceased, who said her husband was continually complaining of his ribs, and attributed it to the prisoner; and that he fervently prayed to God to release him from his misery.

Here judge Chambre stopped the evidence.—He observed, that although the deceased had lucid intervals, yet, no doubt, lunatics in general had a great dislike to their keepers. With respect to the declarations of the deceased against the prisoner, he did not think they came up to the principle recognised by law, of a person being in a dying state; for the only expression that could be attributed to his being sensible of his death, was his saying his prayers; and that his unsupported declaration against the prisoner could not therefore be received.

Mr. Sanderson gave the prisoner a good character for humanity, during the five years he was employed by him as keeper. Dr. Winstanley, the physician to the asylum, said, that he had attended the deceased twice a week; and on the day before he was taken away by his relatives he was stripped before him, and stood upright, which he thought was impossible if his ribs had been broken; nor did he think it possible the deceased

could have lived four or five days in the state he was described to be. He had attended, with several surgeons, the opening of the body, and found the upper and lower part of the breast-bone completely separated; and had no doubt but that his death was occasioned by the injury he had received on his chest. Five ribs on each side were found broken; but how the deceased came in that shocking state could not be ascertained. The jury found the prisoner — Not Guilty.

Downing-street, Sept. 2.

The following dispatch has been received from lieutenant-general lord viscount Wellington.

Deleytosa, Aug. 8.

My lord, I apprized your lordship on the 1st inst. of the advance of a French corps towards the Puerto de Banos, and of the probable embarrassments to the operations of the army which its arrival at Placentia would occasion; and these embarrassments having since existed to a degree so considerable as to oblige us to fall back, and to take up a defensive position on the Tagus, I am induced to trouble you more at length with an account of what has passed upon this subject. When I entered Spain, I had a communication with general Cuesta, through sir R. Wilson and colonel Roche, respecting the occupation of the Puerto de Banos and the Puerto de Perales, the former of which, it was at last settled, should be held by a corps to be formed under the marquis de la Reyna, to consist of two battalions from general Cuesta's army, and two from Bejar; and that the Puerto de Perales was to be taken care of by the duke de Parque, by detachments from the garrison of Ciudad Rodrigo.—I doubted of the capacity

capacity of the garrison of Ciudad Rodrigo to make the detachment to the latter; but had so little doubt of the effectual operation of the former, that in writing to marshal Beresford on the 17th July, I desired him to look to the Puerto de Perales, but that I considered Banos as secure, as appears by the extract of my letter, which I inclose.—On the 30th, intelligence was received at Talavera that twelve thousand rations had been ordered at Fuente Duenos for the 28th, and twenty-four thousand at Los Santos for the same day, for a French corps, which it was believed was on its march towards the Puerto de Banos.—Gen. Cuesta expressed some anxiety respecting this post, and sent me a message, to propose that sir R. Wilson should be sent there with his corps. Sir Robert was on that day at Talavera, but his corps was in the mountains towards Escalona; and as he had already made himself very useful in that quarter, and had been near Madrid, with which city he had had a communication, which I was desirous of keeping up, I proposed that a Spanish corps should be sent to Banos without loss of time. I could not prevail with general Cuesta, although he certainly admitted the necessity of a reinforcement when he proposed that sir Robert should be sent to Banos; and he was equally sensible with myself of the benefit to be derived to the cause from sending sir Robert back to Escalona. At this time we had no further intelligence of the enemy's advance than that the rations were ordered; and I had hopes that the enemy might be deterred from advancing by the intelligence of our successes on the 28th, and that the troops in the Puerto might make some defence;

and that under these circumstances it was not desirable to divert sir Robert Wilson from Escalona. On the 30th, however, I renewed my application to gen. Cuesta, to send there a Spanish division of sufficient strength, in a letter to general O'Donoghue, of which I inclose a copy,—but without effect; and he did not detach general Bassecourt till the morning of the 2d, after we had heard that the enemy had entered Bejar, and it was obvious that the troops in the Puerto would make no defence. On the 2d we received accounts that the enemy had entered Placentia in two columns. The marquis de la Reyna, whose two battalions consisted of only 600 men, with only 20 rounds of ammunition each man, retired from the Puerto and from Placentia without firing a shot, and went to the bridge of Almaraz, which he declared that he intended to remove; the battalions of Bejar dispersed without making any resistance. The general called upon me on that day, and proposed that half of the army should march to the rear to oppose the enemy, while the other half should maintain the post at Talavera. My answer was, that if by half the army he meant half of each army, I could only answer, that I was ready either to go or stay with the whole British army, but that I could not separate it. He then desired me to choose whether I would go or stay; and I preferred to go, from thinking that the British troops were most likely to do the business effectually, and without contest; and from being of opinion it was more important to us than to the Spanish army, to open a communication through Placentia, although very important to them. With this decision general Cuesta appeared perfectly

fectly satisfied. The movements of the enemy in our front since the 1st, had induced me to be of opinion that, despairing of forcing us at Talavera, they intended to force a passage by Escalona, and thus to open a communication with the French corps coming from Placentia. This suspicion was confirmed on the night of the 2d, by letters received from sir Robert Wilson, of which I inclose copies; and before I quitted Talavera on the 3d I waited on general O'Donoghue, and conversed with him upon the whole of our situation; and pointed out to him the possibility, that, in the case of the enemy coming through Escalona, general Cuesta might find himself obliged to quit Talavera before I should be able to return to him; and I urged him to collect all the carts that could be got, in order to remove our hospital. At his desire I put the purport of this conversation in writing, and sent him a letter to be laid before general Cuesta, of which I inclose a copy. The British army marched on the 3d to Oropesa, general Bassecourt's Spanish corps being at Centinello, where I desired that it might halt the next day, in order that I might be nearer it.—About five o'clock in the evening, I heard that the French had arrived from Placentia at Naval moral, whereby they were between us and the bridge of Almaraz.—About an hour afterwards, I received from general O'Donoghue the letter and its inclosures, of which I inclose copies, announcing to me the intention of general Cuesta to march from Talavera in the evening, and to leave there my hospital, excepting such men as could be moved by the means he already had, on the ground of his apprehensions that I

was not strong enough for the coming from Placentia, and that the enemy was moving upon his flank and had returned to Santa Olalla in his front.—I acknowledge that these reasons did not appear to me sufficient for giving up so important a post as Talavera, for exposing the combined armies to an attack in front and rear at the same time, and for abandoning my hospital; and I wrote the letter of which I inclose a copy. This unfortunately reached the general after he had marched, and he arrived at Oropesa shortly after day-light on the morning of the 4th. The question what was to be done, was then to be considered. The enemy, stated to be 30,000 strong, but at events consisting of the corps of Soult and Ney, either united or not very distant from each other, and supposed by marshal Jourdan and Joseph Bonaparte to be sufficiently strong to attack the British army, stated to be 25,000 strong, were on one side, in possession of the high road to the passage of the Tagus at Almaraz, the bridge at which place we knew had been removed, although the boats still necessarily remained in the river. On the other side we had reason to expect the advance of Victor's corps to Talavera, as soon as general Cuesta's march should be known, and after leaving 12,000 men to watch Vanegas, and allowing him from 10 to 11,000 killed and wounded in the late action, this corps would have amounted to 25,000. We could extricate ourselves from this difficult situation only by great celerity of movement, to which the troops were unequal, as they had not had their allowance of provisions for several days, and by success in two battles. If unsuccessful in either, we should have been without

without a retreat; and if Soult and Ney, avoiding an action, had retired before us, and had waited the arrival of Victor, we should have been exposed to a general action with 50,000 men, equally without a retreat.

We had reason to expect that as the marquis de la Reyna could not remove the boats from the river Almaraz, Soult would have destroyed them.—Our only retreat was therefore by the bridge Arco Bispo; and if we had moved on, the enemy, by breaking that bridge while the army should be engaged with Soult and Ney, would have deprived us of that only resource.—We could not take a position at Oropesa, as we thereby left open the road to the bridge of Arco Bispo from Talavera by Calera; and after considering the whole subject maturely, I was of opinion that it was advisable to retire to the bridge of Arco Bispo, and to take up a defensive position upon the Tagus. I was induced to adopt this last opinion, because the French have now at least fifty thousand men disposable to oppose to the combined armies, and a corps of twelve thousand to watch Vanegas; and I was likewise of opinion, that the sooner the defensive line should be taken up, the more likely were the troops to be able to defend it.—Accordingly I marched on the 4th, and crossed the Tagus by the bridge of Arco Bispo; and have continued my route to this place, in which I am well situated to defend the passage of Almaraz and the lower parts of the Tagus. General Cuesta crossed the river on the night of the 5th, and he is still at the bridge of Arco Bispo. About 2000 of the wounded have been brought away from Talavera, the remaining 1500 are there; and I

doubt whether, under any circumstances, it would have been possible or consistent with humanity to attempt to remove any more of them.—From the treatment which some of the soldiers wounded on the 27th, and who fell into the hands of the enemy, experienced from them, and from the manner in which I have always treated the wounded who have fallen into my hands, I expect that these men will be well treated; and I have only to lament that a new concurrence of events, over which from circumstances I had and could have no control, should have placed the army in a situation to be obliged to leave any of them behind.

ARTHUR WELLESLEY.

The following is an abstract of the total loss of the respective regiments (including officers, non-commissioned officers, and privates) in killed, wounded, and missing, in the battles of Talavera:—

General staff.....	14
3d dragoon guards.....	3
4th dragoons.....	12
14th light dragoons.....	16
16th light dragoons.....	14
23d light dragoons.....	207
1st light drag. Ger. leg.....	42
Royal British artillery.....	34
Royal German artillery.....	34
Royal engineers.....	2
Royal staff corps.....	2
1st batt. Coldstream.....	297
1st batt. 3d guards.....	322
3d foot.....	142
2d batt. 7th foot.....	64
2d batt. 24th.....	355
1st batt. 29th.....	186
2d batt. 31st.....	249
1st batt. 40th.....	58
1st batt. 45th.....	193
1st batt. 48th.....	176
2d batt. 48th.....	71
2d batt. 53d.....	39
5th batt. 60th.....	77

1st batt. 61st.....	272
2d batt. 66th.....	128
2d batt. 83d.....	288
9th batt. 87th.....	253
1st batt. 88th.....	140
1st batt. 97th.....	53
1st batt. detachments.....	374
2d batt. ditto.....	21
1st line batt. Ger. leg.....	300
1st and 2d light batt. ditto....	79
2d line batt. ditto.....	390
5th ditto, ditto.....	306
7th ditto, ditto.....	256
Killed.....	801
Wounded.....	3,913
Missing.....	713
Total.....	—5,427

Downing-street, Sept. 2d.

The following dispatch was received from lieutenant-general the earl of Chatham, dated Head-quarters, Bathz, August 29.

My lord, Major Bradford delivered to me your lordship's dispatch of the 21st inst. signifying to me his majesty's commands that I should convey to sir E. Coote, the general and other officers and troops employed before Flushing, and particularly to those of the artillery and engineer departments, his majesty's most gracious approbation of their conduct; and which I have obeyed with the most entire satisfaction. I had the honour in my last dispatch of acquainting your lordship with my intention of proceeding to this place, and I should have been most happy to have been enabled to have announced to your lordship the further progress of this army. Unfortunately, however, it becomes my duty to state to your lordship, that, from the concurrent testimony from so many quarters as to leave no doubt of the truth of the information, the enemy appears to have collected so formidable a force, as to convince me that the period was

arrived at which my instructions would have directed me to withdraw the army under my command even if engaged in actual operation. I had certainly early understood of my arrival at Walcheren, that the enemy were assembling in considerable force on all points; but I was unwilling to give too much credit to these reports, and I was determined to persevere until I was satisfied upon the fullest information, that all further attempts would be unavailable. From all our intelligence it appears that the force of the enemy in this quarter, distributed between the environs of Bergen-op-Zoom, Breda, Lillo, and Antwerp, and cantoned on the opposite coast is not less than 35,000 men, and by some statements is estimated higher. Though a landing on the continent might, I have no doubt, have been forced, yet, as the siege of Antwerp, the possession of which could alone have secured to us any of the ulterior objects of the expedition, was by this state of things rendered utterly impracticable, such a measure, if successful, could have led to no solid advantage; and the retreat of the army, which must at an early period have been inevitable, would have been exposed to much hazard. The utmost force (and that daily decreasing) that I could have brought into the field, after providing for the occupation of Walcheren and South Beveland, would have amounted to about 23,000 infantry and 2000 cavalry. Your lordship must at once see, even if the enemy's force had been less numerous than represented, after the necessary detachments to observe the garrisons of Bergen-op-Zoom and Breda, and securing our communications, how very inadequate a force must have remained for operations against Lillo and Lieke.

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kenshoeik, and ultimately against Antwerp; which town, so far from being in the state which had been reported, is, from very correct accounts, represented to be in a complete state of defence; and the enemy's ships had been brought up and placed in security under the guns of the citadel. Under these circumstances, however mortifying to me to see the progress arrested of an army, from whose good conduct and valour I had every thing to hope, I feel that my duty left me no other course than to close my operations here; and it will always be a satisfaction to me to think, that I have not been induced lightly to commit the safety of the army confided to me, or the reputation of his majesty's arms. It was an additional satisfaction to me to find that the unanimous opinion of the lieutenant-generals of this army, whom I thought it right to consult, more out of respect to them than that I thought a doubt could be entertained on the subject, concurred entirely in the sentiments I have submitted to your lordship.—I am concerned to say that the effect of the climate at this unhealthy period of the year is felt most seriously, and that the number of sick already is little short of 3000 men.—It is my intention to withdraw gradually from the advanced position in this island, and, sending into Walcheren such an additional force as may be necessary to secure that important possession, to embark the remainder of the troops, and to hold them in readiness to await his majesty's further commands, which I shall most anxiously expect.

CHATHAM.

[The copy of a dispatch from sir R. Strachan, dated on board the St. Domingo off Bathz, the 27th ult. follows. The rear-admiral states,

that having made the necessary naval arrangements for landing the army near Santfleet without hearing from lord Chatham, he communicated with his lordship on the 24th, and found him undecided. On the 26th he attended, with rear-admiral sir R. Keates, a meeting of the lieutenant-generals of the army, when, for the reasons already stated in lord Chatham's dispatch, the ulterior objects of the expedition were abandoned. Having offered every naval assistance in reducing the fortresses, and conceiving the subject of the deliberation to be purely military, he withdrew with sir R. Keates. The rear-admiral then states, that the enemy's ships, which were five miles above Antwerp, have come down, and are extended in a line fronting it, except two of the line, which are in the reach above Liefkenshoeik, and four frigates gone to Lillo. An immense number of small gun-boats are on the boom, behind them a crescent of 60 gun and mortar-brigs; and the battery of 10 guns, between forts Lillo and Hendrich, is finished, though that on the Doel side is abandoned.]

2. At Bracknell, Berks, Mr. Coltman had been out partridge-shooting with two other gentlemen, who were on a sporting visit, and on their return they deposited their guns (two of which were loaded) in a parlour next to the room where they were dining. A boy in the service of Mr. Coltman and a son of the latter were amusing themselves with the pieces, and the one in master Coltman's hand went off and killed the servant, and dangerously wounded Mr. Ayres who was at dinner, the charge having passed through the door of the room.

3. A cance of some interest
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came on at the Suffolk assizes. It was brought by Mr. Smith, who is a protestant dissenter, to recover back the sum of 3*d.* which he had been obliged to pay to Johnson, a toll-keeper of the turnpike gate at Halesworth, for a taxed cart, in which he was going on Sunday to divine worship at a meeting-house at the above place.—The plaintiff claimed an exemption from toll under the clause of the statute which gives exemptions to persons going to their *proper parochial* church, chapel, or other places of public worship. It was intended by both parties, that a case should have been agreed on for the opinion of the court of king's bench; but the judge was so decidedly of opinion that the plaintiff was entitled to the exemption, that he would allow only a verdict to be taken for him, with liberty for the defendant, if he thought proper, to move the court next term to have a nonsuit entered.

It was decided at the late Essex assizes, that no person has a *right* to glean in any field, unless by permission of the occupier.

Treul, Sept. 4.

The unhappy inhabitants of Saragossa, who have survived the most dreadful siege and the most destructive epidemy, are now undergoing a treatment scarcely less hard than death itself. After so many calamities, the barbarous Suchet has levied upon them exorbitant contributions, and allowed his soldiers to cut down the corn before it was ripe to feed their horses, without being moved by the tears of the unfortunate widows and orphans. To these are added many other vexations; one of which is, that no one upwards of 14 years old can go about the streets with-

out a permit for that purpose, for which he must pay.

ITALY.

By an order of a decree of Joachim Napoleon king of the Two Sicilies, most of the religious orders and convents throughout the whole of his dominions are suppressed.

At Rome, the consulta has ordered that from the 1st of October of the present year, the division of time at Rome, and throughout the whole Roman territory, shall be the same as in France and other European countries. It is well known, that it has hitherto been the custom there to begin to reckon the hours from sunset, and count forward through the whole twenty-four.

A letter from Naples of the 9th ult. states, that on the 4th September a new crater on Mount Vesuvius opened to the south-east; from which there had been a continual eruption of lava. The torrent took a direction towards the town of Hella Torre, had divided into two branches, and formed an island; at the extremity of which it had united, and produced a lake of fire in the district of Trio del Cavallo. In the night of the 5th there was an eruption of an immense quantity of ashes and stones.

ASIA.

The extent of the conspiracy against the nizam, which was set on foot by rajah Mahiput, one of his confidential officers, has been fully ascertained, and his designs frustrated. It appears that he had nearly 15,000 men in his interest; 10,000 of whom had actually withdrawn themselves from the royal army, and a number of others were preparing to follow the example, when

when the chief was betrayed by his followers, and put to death.

In the course of the present year, a jubilee is to be celebrated throughout the whole extensive empire of China, on the occasion of the emperor Kia-King having attained his 50th year.

Mr. Roscoe of Liverpool received an anonymous letter, informing him that six Black slaves had been thrown into prison by a Portuguese captain, upon alleged actions of debt; but in reality because he found that they were free on their arrival in England, and he hoped by this expedient to detain them until his vessel should be ready to sail. Having verified the fact, Mr. Roscoe sent a person to bail all the actions. An order was accordingly issued for the immediate discharge of the prisoners, when it was discovered that the Portuguese captain had mustered about one hundred of his countrymen to seize the Blacks by force on their exit from prison. Application was instantly made to the magistrates, who took the captain into custody, bound him to his good behaviour, and restored the poor Blacks to the enjoyment of their newly-acquired liberty.

SINGULAR OCCURRENCE.

5. About two o'clock, Collingbourn, one of the officers of Union-hall, having received information that some persons had been conveyed in a wounded state to a house in Belvidere-place, St. George's-fields, and that the report of two pistols had been heard, he immediately went to the house pointed out to him, and demanded admission: this was refused by those in the house; and it was not till he had attempted to force open the door

that he was admitted. The officer immediately proceeded up stairs; and in the front room, on the upper story, he discovered a young gentleman in bed, apparently in great agony, in consequence of a wound which he had received in the side; in the back room, on the same floor, was a young lady in bed also, in a wounded state. Collingbourn instantly sent for Mr. Wagstaff, a surgeon, who examined the wounded persons. It appeared upon inquiry, that the gentleman had paid his addresses to the lady for about three months; they had been out together the preceding evening, and on their return to his father's house, in a hackney coach, just before the coach reached his father's door, he discharged a pistol at his companion, and a second at himself. The gentleman is the son of Mr. Eliston, of Belvidere-place, and the young lady, a miss Colson, whose friends reside in the Borough. Several persons who had a knowledge of the transaction were examined on Wednesday at Union-hall, amongst whom the following were the principal:—

Hustlon, driver of the coach, No. 278, stated, that he was called off the stand in the Minories, on Monday night last, about eleven o'clock, by a gentleman and two ladies, who ordered him to drive to Crooked-lane, where one of the ladies got out. The gentleman then desired him to drive to No. 42, in Belvidere-place, and paid him his fare. When he arrived within two or three doors of the place he was ordered to, he was alarmed by the report of a pistol, and almost immediately after of another, and heard the gentleman exclaim, "Oh,

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can

can you forgive me in your dying moments?" The lady answered, "Yes, yes, yes." He stopped his horses, and, getting off his box, ran to look for a watchman. On his return, he found the coach empty; and a person informed him that the lady and gentleman were in the house, and that no harm was done. In searching among the straw of the coach afterwards, he had found a pair of pistol bags.

Mr. Taylor, No. 42, Belvidere-place, was sitting at supper about twelve o'clock on Monday night, when he was alarmed with the report of two pistols; he ran out to see what was the occasion of it, and perceived a coach standing near the door with no person on the box; he went up, and opened the door, when, by the light of the candle, he perceived Mr. Eliston and miss Colson, the latter apparently fainting: he shut to the door again, and, going to the horses' heads, drew the coach close up to Mr. Eliston's door, and assisted in getting them out of the coach: Mr. Eliston was begging to be forgiven, saying, he had no intention to hurt her; she answered, "Yes, yes, I forgive you." Mr. Taylor went for the surgeon; and on his return, in searching the coach, he discovered on the back seat a pistol bullet; he saw no appearance of blood, but perceived the marks of powder on the woman's dress.

Mr. Wagstaff, a surgeon, said, he was called on Monday night to attend two persons at Mr. Eliston's, who were supposed to be dangerously hurt. He went, and found miss Colson sitting on the bed, partly undressed. On examining her person, he found she had received a contused wound on the right side, which was very much inflamed and swelled, her clothes

were perforated in several places, and from their appearance, and the appearance of the wound, he had no doubt it was inflicted with fire-arms. Having dressed her wounds, he was desired to attend Mr. Eliston; he found him lying on the bed; he had a wound, which appeared to have been inflicted with a pistol bullet on his right side; the ball had struck upon his ribs, just below the breast, and, having fortunately taken a slanting direction, it had not penetrated the abdomen. The wound was very much inflamed and swelled; but the witness did not apprehend any immediate danger from that cause: from the expressions, however, which fell from Mr. Eliston, he was fearful he had taken something of a poisonous nature; and after being repeatedly pressed on the subject, he acknowledged, that finding the ball had not taken effect, he had contrived to swallow a considerable quantity of opium. The witness had questioned miss C. as to what passed previous to the firing of the pistols. She said, that Mr. Eliston had desired her to look out at the window, and see if the coachman had not passed the house: whilst she was doing so, she heard the report of the pistol, but did not at first perceive that she was wounded, nor was she much alarmed till she heard the second report, and saw the flash in the coach, when she screamed out.

The examination of miss Colson.

This young lady not being in a state to be removed from Mr. Eliston's house, a magistrate attended on Thursday, there to take her examination, relative to the injury she received whilst in the coach with Mr. Eliston, jun. on Monday evening last. Her statement was nearly

nearly as follows:—She had been acquainted with Mr. Eliston about three months; her friends, however, for some reason that does not appear, did not approve of the connexion. They passed the afternoon of Sunday together at a friend's house, when she took an opportunity to suggest to him the propriety of putting an end to their acquaintance, assigning as a reason, that her friends did not approve of her receiving the addresses of any man: he appeared extremely hurt, and remonstrated with her with some degree of warmth. Before they parted, however, he seemed reconciled, and she consented to go on the following morning (Monday) with him, and a female friend with whom she was going home that night, to the Tower. He accordingly called for them on Monday morning, at the house of her friend in Crooked-lane, and they went to the Tower, and afterwards to the Royalty theatre in the evening. They passed a very pleasant evening, and on their return took a coach in the Minories, and set down her friend in Crooked-lane, as before stated. When they got into the Borough, however, instead of directing the coachman towards Newington-gate, near which her friends reside, he ordered him to drive down Dirty-lane; and on her observing that that was not her way home, he said he wanted to call at his father's. After some pause, he asked her "if she still continued in the same resolution she expressed the evening before, of breaking off their acquaintance?" She answered him in the affirmative; and observed, that "as it was the wish of her friends that the intercourse between them should cease, the sooner it was put an end

to the better it would be for both parties."—He soon after requested she would look out of the coach, and see whereabouts they were: she did so; and whilst she was looking out she heard a rustling behind her in the coach, and turning herself round quickly, she saw a pistol in his hand; she attempted to seize hold of it, and it went off. She did not immediately perceive that she was wounded, and almost instantly after saw the flash of another pistol, which she thought he had pointed at his own head. She soon after perceived that she was wounded, and told Mr. Eliston, who exclaimed, "Then we are both dead people!" and called to the coachman to drive to No. 42, his father's house; he frequently begged her forgiveness, saying, he had no intention to hurt her, and she repeatedly assured him she forgave him. She thought his intention was not to injure her, but to destroy himself. Here this strange affair rests, till Mr. Eliston is in a state to allow of his being interrogated. The pistols were on Tuesday morning delivered up to Mr. Wagstaff by a younger brother of Mr. Eliston. Jealousy is said to have been the cause of this rash act. Neither of the parties is more than twenty years of age.

GUILDHALL.

6. Wednesday, Walter Smith was brought up on a curious charge, that of going into an eating-house in Salisbury-square, Fleet-street, and regaling himself with what he chose, to the amount of 2s.; after which he walked off without remembering to discharge his reckoning. Upon being brought back, he had no money, and was therefore detained. The magistrate declared

clared he could afford no relief. It appeared from one of the officers, that the prisoner is in the habit of practising this cheap mode of living, as he had been lately brought before the lord mayor upon a similar charge. Upon that occasion, however, his appetite was more delicate, as he had gone to one of the taverns in the city, where he fed on turtle, and drank in proportion. He was ordered to be detained, in order to be passed to his parish in the country.

MARLBOROUGH-STREET.

A charge of a most brutal assault was made by a decent young man, named Alexander Campbell, against a ruffianly lamp-lighter, named Thomas Glover. The circumstances of the case were shortly these. The complainant was walking with some of his friends along Oxford-street, about ten o'clock on Sunday night, when the defendant, who was lighting the street lamps, came towards the complainant, and, without giving him time to get out of the way, pushed his burner against his small-clothes, and daubed him so much with the oil and filth therein contained, as completely to destroy that part of his dress. The defendant immediately ran on, laughing at the joke. Mr. Campbell, however, not enjoying the sport quite so much as he did, followed him for the purpose of remonstrating on the impropriety of his conduct. Scarcely, however, had he opened his mouth with this intent, when the lamp-lighter, with a tremendous oath, again pushed the burning torch into his eyes with such violence as to knock him down. Blinded, burnt, and bruised by this rude assault, the complainant got up, and in at-

tempting to seize the prisoner, the ladder which the latter carried got between them, and they fell together to the ground; a scuffle ensued, when the prisoner recovered his feet, and made three successive attempts to knock the complainant down, but in each he failed, and was himself laid in the dust: finding his match, he gave in, and declined any more fighting. This statement was most circumstantially corroborated by a friend of the complainant, and a disinterested stranger who observed the whole transaction. The prisoner made a very lame defence, and denied the whole charge. A livery-stable-keeper, in Oxford-road, his servant, and another man, declared their readiness to swear that the charge was completely false, and that there never was a more injured man in the world than the prisoner. Mr. Brodie, however, declared, that in the course of his experience he never heard of a more brutal outrage, and, in order to prevent the prisoner's escaping the hands of justice, he should not admit him to bail. The prisoner was therefore committed to Tothill-fields prison to take his trial.

BOW-STREET.

A young man named Roles was brought up on a charge of secreting a letter containing two five-pound notes, committed to his care as a two-penny post-man, to be delivered to a poor man, named Green, residing in the vicinity of the New-road. It appeared from an information produced to the magistrate, and taken on oath at Abbingham, near Chester, that a letter, containing two five-pound Bank of England notes, was transmitted by Messrs. Worthington and Co.

Co. bankers, directed to George John Green, at his residence, near London. This letter Green deposed on oath he had never received. Every inquiry had been made at the Post-office about the fate of the letter, but in vain, till one of the five-pound notes was paid into the Bank of England, from whence it was traced to the possession of a publican named Bone, in Westminster, who proved that he had given change for it to the sister of the prisoner, whose name he had written on the back of it. In consequence of this the prisoner was taken up, and partly confessed his crime. Sarah Roles, a girl of about sixteen years of age, the sister of the prisoner, was then examined as to the fact of her having received the note from her brother, which she stated she had on the 11th of August last, and had given him the change she had received from Mr. Bone. The unfortunate girl was in the greatest affliction, and could scarcely be induced to give her testimony. These facts having been stated, and the charge clearly substantiated against the prisoner, he was committed to take his trial. As the sister was the only evidence to support the allegation against him, two sureties were bound in one hundred pounds each, to answer for her appearance to prosecute. His father and mother were in the office during the examination, and were in the deepest affliction. The prisoner himself, who did not appear to be more than 18 years of age, was likewise much afflicted, and cried incessantly.

ESTIMATE OF THE AUSTRIAN TERRITORIES IN THE POSSESSION OF THE FRENCH.

7. The parts of the Austrian

monarchy possessed by the French troops are :—

	<i>German Miles.</i>	<i>Inhabitants.</i>
Lower Austria...	572	1,700,000
Stiria	398	812,000
Carinthia	190	280,000
Carniola, with the county of Gortz and the territory of Monfulcone	251	422,000
Trieste	—	30,000
Saltzburgh and Berchtolsgaden	179	195,000
Fume	—	6,600
Of Moravia, a- bout	180	500,000
Of Gallicia	200	500,000
Of Hungary....	—	

The total number of inhabitants in the above countries is about 8,475,600. The territory, independent of the Hungarian Gaspaunschafts, the superficial extent of which is not accurately ascertained, contains 3,775 German square miles. Before the commencement of the war, the whole Austrian monarchy contained, according to Lichtenstein, 10,936 square miles, and 24,900,400 inhabitants. It appears therefore that the French possess more than one third of the Austrian states. The most important towns in these provinces are :—

	<i>Inhabitants.</i>
Vienna	220,000
Lintz	18,700
Gratz	30,000
Clagenfurth	10,000
Larbach	11,000
Trieste	14,600
Saltzburgh	9,200
Brunn	21,000
Lemberg	38,400
Cracow	25,000
Presburgh	26,900
Edinburgh	12,000
Raab	10,700

With respect to Hungary, it ought

to be observed, that the part of that kingdom in the possession of the French, is that which is the most productive in corn, wine, and cattle.

The monthly navy list gives the total of our force at sea as follows : —94 sail of the line, 15 fifties and forty-fours, 136 frigates, 149 sloops and yachts, 5 bombs and fire-ships, 75 brigs, 10 cutters, 132 schooners ; Total 620. — Ships in commission : —161 sail of the line, 28 fifties and forty-fours, 168 frigates, 172 sloops and yachts, 9 bombs and fire-ships, 95 brigs, 14 cutters, 154 schooners ; Total 801. —The grand total, which includes the ships in port and fitting, in ordinary, repairing for service or building, and all guard-, hospital- and prison-ships, &c. states the vessels of the line at 265, fifties and forty-fours 40, frigates 240, sloops and yachts 206, bombs and fire-ships 16, brigs 109, cutters 17, schooners 164 ; Grand total 1057.

The American papers contain the following tragic occurrence, which took place in Halifax county on the 5th ult. A young man of the name of Wm. Parker had for two or three years paid his addresses to a miss Dolly Griffin, and the marriage of the parties was expected ; recently, however, miss G. had discarded him. On the 5th, they, with some other company, dined at a Mrs. Harris's, where Parker behaved towards miss G. with some rudeness. His conduct and some expressions which fell from him excited her suspicions, and she invited two of her female friends to accompany her home. When they had nearly reached her mother's, Parker came out suddenly from an angle of the fence, and presenting a gun at miss G. shot her through the arm, and lodged

the contents in her side. She fell instantly ; and the horses rode by the other young ladies being frightened, they were also thrown. Parker then began very deliberately to reload his gun : the young ladies, bereft by their fears of their power either of flight or resistance, entreated him not to kill them. He told them he had no such intention, that he was then loading for himself, and asked one of them for a corner of her shawl for wadding, which he tore off. When he had finished loading, he placed the muzzle to his breast, and sprung the trigger with his foot ; it missed fire ; he then picked the flint, and on the second attempt the load entered his breast—he tottered to the fence, against which he leaned in great agony, and desired the young ladies to pray for him ; he then walked towards the dying miss Griffin, and fell beside her. Both expired in a few moments. Miss Griffin was the only child of a widowed mother, who heard the cries and firing, and came to the place just in time to see her daughter expire.

The annual conference of the Methodists held this year at Manchester terminated last week : —250 preachers attended.—Actual increase of members during the past year, 14,200 ; —6200 in England and Ireland, and 8000 in America. The number of preachers received at conference, after the four probationary years, exclusive of those in the districts, was 20 ; and the number of new chapels opened since last conference is stated to be considerable.

8. FUNERAL OF MATTHEW BOLTON, Esq.—The funeral of this distinguished man took place, with appropriate solemnity, on Thursday se'nnight, at Handsworth, three-

three-quarters of a mile from Soho. A hearse and nine mourning coaches attended, but the coffin was carried by three sets of bearers, by hand, in mourning and scarfs; the hearse and coaches, and numberless carriages of the deceased's friends, followed. Eighteen singers, in cloaks, preceded, singing appropriate psalms the whole way. All the beadles of Birmingham rode on horseback, and kept the way open. The corpse was followed to the grave by 600 workmen of the manufactory of Soho, who had each a silver medal presented to him, struck for the occasion; they wore hat-bands and gloves, and some mourning. The town was emptied of its principal inhabitants. The workmen were provided, after the funeral, with a dinner, and allowed to regale themselves for two hours. The expense of the funeral is calculated at 2000*l*.

Colonel Wardle v. Mrs. Clarke, &c.

On Friday, this gentleman attended at the Sessions House, Clerkenwell, and a little time after was called in before the grand jury, where he underwent an examination, which continued nearly two hours.—Major Dodd and Mr. Glennie were likewise examined, and a little after three o'clock the grand jury, headed by their foreman, appeared in court, and reported several bills for larcenies and minor offences. They then presented, as a true bill, that against Mrs. Mary Ann Clarke and the two Wrights, for a conspiracy. When the foreman presented this bill, he was informed by the magistrate then presiding, that not having a quorum present, namely, five magistrates, they could not receive it.

Mr. Alley, on the part of the prosecution, observed, that when the dinner hour should arrive, there would be a considerable number of the bench present, and the jury would wait until that hour. At four o'clock the jury in a great body again came into court, and a full bench of the magistracy appearing, the foreman again presented the bill, and it was received.

Mr. Alley then submitted the usual motions, calling upon the defendants to find bail for their appearance next sessions to answer the charge. Some reluctance was manifested; but it was finally settled that no warrant was to be executed, provided Mr. Stokes, the solicitor for the defendants, would put in bail for the Messrs. Wright tomorrow, and for Mrs. Clarke on Tuesday next.

The words "a true bill" were indorsed upon the back of it in letters three inches in length.—A vast crowd of people witnessed these occurrences, led thither from the expectation of the bill being to be presented.

RUSSIA.

To the civil governor of Livonia and actual counsellor of state.

"On the 5th of this month, a treaty of an eternal peace between Russia and Sweden was concluded, and signed at Fredericshamn, by our minister plenipotentiary count Romanzow, and baron Stedingk on the part of Sweden. All the propositions by us made with regard to the said peace have been accepted, and the incorporation of the united duchy of Finland with the Russian empire has been confirmed: the town of Torneo, and the river of the same name, form the frontiers of the two states.

"Thus has terminated a war,
the

the various events of which have covered the Russian arms with immortal glory, and the conclusion of which has added to the Russian empire a country inhabited by an industrious people, celebrated on account of its progress in agriculture, its markets, important fortifications, and the fortress of Sweaborg, and has secured for ever on that side the frontiers of our native land.

“While we are offering up our thanks to that Divine Being, which has vouchsafed to favour Russia, and crowned our arms with success, we hasten to acquaint you with that fortunate event, feeling perfectly satisfied that all our faithful subjects will readily join us in offering up thanks to the Most High, for the happy conclusion of a much-wished for peace.

“After the ratifications shall have been exchanged, the said treaty of peace will be published in a distinct manifesto.

“I remain your affectionate,
ALEXANDER.”

St. Petersburg, Sept. 7.

Downing-street, Sept. 7.

Dispatches, of which the following are copies and extracts, were this day received.

Truxillo, Aug. 20.

My lord, I wrote some days ago a letter to the French commander in chief, which I sent to him by lieutenant-colonel Walters, to request his care and attention to the wounded officers and soldiers of the British army who had fallen into his hands, in return for the care and attention which I had paid to the French officers and soldiers who had fallen into my hands at different times; and that he would allow money to be sent to the officers; and that officers, who should not be

deemed prisoners of war, might be sent to superintend and take care of the soldiers, till they should recover from their wounds, when the officers should be sent to join the British army. I received a very civil answer from marshal Mortier, promising that every care should be taken, and every attention paid to the British officers and soldiers who were wounded; but stating, that he could not answer upon the other demands contained in my letter, having been obliged to refer them to the commander in chief. Since the receipt of this letter, Mr. Dillon, the assistant-commissary has arrived from Talavera, having been taken prisoner near Cevolla on the 27th of July, previous to the action, and having been allowed to come away. He reports that the British officers and soldiers who are wounded are doing remarkably well, and are well fed and taken care of; indeed, he says, preferably to the French troops. I propose to send col. Walters with another flag of truce to-morrow morning, and a letter to the commander in chief of the French army, requesting that a sum of money which I shall send may be given to the officers; and I shall endeavour to establish a cartel of exchange as soon as possible.

A. WELLESLEY.

Truxillo, Aug. 21.

My lord, When I marched from Talavera on the 3d instant, with a view to oppose the French corps which we had heard had passed through the Puerto de Banos, and had arrived at Placentia, sir Robert Wilson was detached upon the left of the army towards Escalona; and before I marched on that morning, I put him in communication with the Spanish general Cuesta, who, it had been settled, was to remain at Talavera.

Talavera. I understood that gen. Cuesta put sir Robert in communication with his advanced guard, which retired from Talavera on the night of the 4th. Sir R. Wilson, however, did not arrive at Valada till the night of the 4th, having made a long march through the mountains; and as he was then six leagues from the bridge of Arco Bispo, and had to cross the high road from Oropesa to Talavera, of which the enemy was in possession, he conceived that he was too late to retire to Arco Bispo, and he determined to move by Venta St. Julien and Centinello towards the Tietar, and across that river towards the mountains which separate Castille from Estramadura. Some of sir R. Wilson's dispatches having missed me, I am not aware by which of the passes he went through the mountains, but I believe by Tornavacas. He arrived, however, at Banos on the 11th, and on the 12th was attacked and defeated by the French corps of marshal Ney, which, with that of Soult, returned to Placentia on the 9th, 10th, and 11th, that of Ney having since gone on towards Salamanca. I inclose sir R. Wilson's account of the action. He has been very active, intelligent, and useful in the command of the Portuguese and Spanish corps with which he was detached from this army. Before the battle of the 28th of July, he had pushed his parties almost to the gates of Madrid, with which city he was in communication; and he would have been in Madrid, if I had not thought it proper to call him in, in expectation of that general action which took place on the 28th of July. He afterwards alarmed the enemy on the right of his army; and, throughout the service, showed himself to be an active and intelligent partisan, well acquainted with the country in

which he was acting, and possessing the confidence of the troops which he commanded. Being persuaded that his retreat was not open by Arco Bispo, he acted right in taking the road he did, with which he was well acquainted; and although unsuccessful in the action which he fought, (which may be well accounted for, by the superior numbers and description of the enemy's troops,) the action, in my opinion, does him great credit.

A. WELLESLEY.

Miranda de Castenar, Aug. 13.

Sir, I have the honour to acquaint you, that I was on march yesterday morning on the road of Grenadella from Aldea Neuva, to restore my communication with the allied army, when a peasant assured us, that a considerable quantity of dust which we perceived in the road of Placentia proceeded from the march of a body of the enemy. I immediately returned and took post in front of Banos, with my piquets in advance of Aldea Neuva, selecting such points for defence as the exigency of the time permitted. The enemy's cavalry advanced on the high road, and drove back my small cavalry posts; but a piquet of Spanish infantry, which I had concealed, poured in on the cavalry a steady and well-directed fire, that killed and wounded many of them. The 200 Spanish infantry in advance of Aldea Neuva continued, under the direction of colonel Grant and their officers, to maintain their ground most gallantly, until the enemy's cavalry and chasseurs à cheval, in considerable bodies, appeared on both flanks; when they were obliged to retreat. The enemy's chasseurs à cheval and cavalry advanced in great numbers in every direction, and pushed to cut off the legion posted between Aldea Neuva and

and Banos; but, by the steady conduct of officers and men, the enemy could only advance gradually, and with a very severe loss from the commanding fire thrown on them. The Merida battalion, however, having given way on the right, a road was laid open, which cut behind our position, and I was obliged to order a retreat on the heights above Banos, when I was again necessitated to detach a corps, in order to scour the road of Monte Major, by which I saw the enemy directing a column, and which road turned altogether the Puerto de Banos, a league in our rear. At this time, don Carlos marquis de Estrague came up with his battalion of light infantry, and in the most gallant manner took post along the heights commanding the road of Banos, which enabled me to send some of the Merida battalion on the mountain on our left commanding the main road, and which the enemy had tried to ascend. The battalion of light infantry, the detachment of the legion on its right, continued, notwithstanding the enemy's fire of artillery and musketry, to maintain their ground; but, at six o'clock in the evening, three columns of the enemy mounted the heights on our left, gained it, and poured such a fire on the troops below, that longer defence was impracticable, and the whole was obliged to retire on the mountains on our left, leaving open the main road, along which a considerable column of cavalry immediately poured. The battalion of Seville had been left at Bejar with orders to follow me next day; but when I was obliged to return, and the action commenced, I ordered it to Puerto Banos, to watch the Monte Major road, and the heights in the rear of our left. When the enemy's cavalry came near, an officer and

some dragoons called out to the commanding officer to surrender; but a volley killed him and his party, and then the battalion proceeded to mount the heights, in which movement it was attacked and surrounded by a column of cavalry and a column of infantry, but cut its way and cleared itself, killing a great many of the enemy, especially of his cavalry. The enemy is now passing to Salamanca with great expedition. I lament that I could no longer arrest his progress; but when the enormous superiority of the enemy's force is considered, and that we had no artillery, and that the Puerto de Banos on the Estremaduran side is not a pass of such strength as on the side of Castille, especially without guns, I hope that a resistance for nine hours, which must have cost the enemy a great many men, will not be deemed inadequate to our means. I have to acknowledge the services rendered me on this occasion by col. Grant, major Reiman, don Fermen Marquis, adjutant-major of the dragoons of Pavia, capt. Charles and Mr. Bolman; and to express the greatest approbation of two companies of the Merida battalions advanced in front, and of the commanding officer and soldiery of the battalions of Seville and the Portuguese brigade. I have already noticed the distinguished conduct of don Carlos, and his battalion merits the highest encomiums. I have not yet been able to collect the returns of our loss. From the nature of mountain warfare, many men are missing who cannot join for a day or two; but I believe the enemy will only have to boast that he has achieved his passage, and his killed and wounded will be a great diminution of his victory. ROBERT WILSON.

Sir Arthur Wellesley.

SWEDEN.

Stockholm, Sept. 8.

The negotiations between this country and Russia ended on the 5th, at Altenburgh, when the following degrading conditions of peace on the part of Sweden were signed by baron Stedingk:—

1. Finland is to be ceded in full sovereignty to Alexander and his successors; and the boundaries of the kingdom to the north are to be formed by Aland-Haff, the Bothnian Gulf, and the rivers Torneo and Muonio, to the confines of Norway.

2. Aland, with its dependencies (opening a passage to the capital and territories of Sweden), is to be surrendered to Russia; but it is understood and agreed that no imperial garrison is to occupy that island.

3. All English ships are to be excluded from Swedish ports; yet a qualification of this article is introduced to facilitate the importation of salt and colonial produce. The operation of this article is to commence on the 15th of November next.

4. English merchandize and property now in the Swedish harbours and territories, are not to be subjected to confiscation.

It will be seen that the second article exposes Sweden to insecurity. When Russia shall be the proprietor of Aland, it will readily be imagined how easily she can dispose of the condition under which she obtains it. Any pretended commotion in the island itself, or any supposed exterior danger from piracy or regular hostility, will supply a plausible apology for abandoning the terms on which she obtained this possession; and when it shall be disregarded, the repose and the in-

1809.

dependence of the kingdom of Sweden must be sacrificed.

SUICIDE.

11. Between one and two o'clock, a gentleman entered the coffee-room of the Angel inn, behind St. Clement's church, in the Strand. He appeared agitated; and after walking about the room for some minutes, he went to the privy. He had not long been there, when the ostlers in the next yard heard the report of two pistols; and perceiving smoke issuing from the privy, they went to it, and discovered the gentleman weltering in his blood. One of the pistols had fallen between his legs, and the other was at his side.—Upon examination, it appeared he had discharged them both. The contents of one of them had fractured his skull near the left temple in a shocking manner. The other appeared to have been discharged against his right cheek. The unhappy man was, however, still alive. He was immediately carried into the Angel inn, and put to bed, and every possible attention shown to him. Doctors Stanton and Thomas were called in, and they examined the state of his wounds, which they pronounced mortal.—On Wednesday afternoon an inquest was held at the Angel inn on the body of the unfortunate gentleman. The waiter and the ostlers were severally examined as to the apparent state of mind in which the deceased was at the time of his committing the rash act. The waiter stated, that he entered the coffee-room about one o'clock, and walked up and down the room two or three times, apparently in great agitation—stopped and looked in the glass—then stared earnestly at a gentleman who sat reading the paper—but did not speak a word. He soon after retired to the

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water.

water-closet, and almost immediately the house was alarmed by the report of pistols. On going to the water-closet, from whence the report seemed to proceed, the waiter discovered the deceased lying dreadfully wounded, but not dead. In his pockets were found several pistol bullets, some powder, two or three flints, and a letter addressed to his brother. Mr. Young, surgeon, in the Strand, said he was sent for to the Angel inn; and on going into the water-closet found the deceased lying in a shocking state—his skull was fractured, and his brains dispersed about in several directions. It appeared he had discharged a brace of pistols at his head. He lived twelve hours in this state, but did not utter a word during the time, nor was he sensible. Mr. Wright, a carpenter at Mile End, stated that the deceased had lodged with him for upwards of two years: he described him as being collecting clerk to an eminent brewer. About two years and a half ago his wife died in childbirth, and since that time he had been subject to a great depression of spirits, and would frequently sit in his chamber and weep for hours at a time. He had often declared to the witness that life was a burden to him since the loss of his wife, and lamented the fate of his children (of whom he had three, the eldest not nine years old), when he should be no more. The unfortunate gentleman returned from Margate, where he had been for a week, on Sunday last; and on Monday morning went out as was his usual custom about ten o'clock: the witness did not hear any thing more of him till Tuesday night, when he heard of his death. A gentleman, a friend of the brother of the deceased, stated, that the

letter found addressed to that gentleman merely contained a recommendation of his children to his care, and a declaration that he could no longer support life, which was become a burden to him. The brother-in-law of the deceased stated several instances of incoherent behaviour which he had witnessed, both at his house and elsewhere, in the conduct of the deceased; and that his conduct of late had rendered his family extremely miserable. It appeared, from several questions put by the jurymen, that the deceased was noway embarrassed in his pecuniary concerns with his employers; and the coroner observed, that if the jury credited the evidence, they must return a verdict of Lunacy. A difference of opinion, however, prevailing amongst the jury, it became necessary for the coroner to take the opinion of every one separately; when it appeared that of sixteen, the number of jurymen impanelled, nine were of opinion that there was no evidence of derangement, and seven were of a contrary opinion:—by a majority of two, therefore, a verdict of *Felo de se* was returned!!

12. A cause has lately been instituted in Doctors' Commons, respecting the will of the late lady Bath, under circumstances of a very singular nature.—The question is simply, "Whether the Ecclesiastical Court can rectify the errors of her conveyancer, and thereby carry her testamentary intentions into effect." On the death of lady Bath, a probate of her will was granted to sir Thomas Jones, bart. and Christopher Codrington, esq., two of the executors, power being reserved to Mr. Kipling, the other executor. Sir James Pulteney, in consequence of the conveyancer having omitted to continue the re-

mainder

mainder over to Mrs. Markham, according to the instructions given by her ladyship, the contingency of lady Bath not having any issue, claims an absolute interest in the residuary estate: a decree has therefore lately been taken out by Mrs. Evelyn Fawcett, wife of John Fawcett, esq. formerly Markham, the residuary legatee, substituted in the will on the death of sir James Pulteney, citing the executor to bring into court the probate, and show cause why it should not be revoked, and declared void, on account of the clause of the will disposing of the residuary personal estate not containing extensive provisions, as are expressed in the heads of instructions given by the testatrix; and, on the probate being declared void, to accept a new probate, with that part or clause of the instructions which respects the disposal of the residue of the personal estate, as constituting together the true will of lady Bath; and Mr. Kipling is also cited to bring into court the instructions and original draft made by the draftsman. Sir James Pulteney is cited also to appear to see proceedings.

GERMANY.

Munich, Sept. 14.

Our court gazette contains the following general orders, published in the Austrian head-quarters:

“ My beloved subjects, and even my enemies, Know that I did not engage in the present war from motives of ambition, nor a desire of conquest; self-preservation and independence, a peace consistent with the honour of my crown and with the safety and tranquillity of my people, constituted the exalted and sole aim of my execution. The chance of war disappointed my expectations: the enemy penetrated into the interior of my dominions,

and overran them with all the horrors of war; but he learned, at the same time, to appreciate the public spirit of my people, and the valour of my armies. This experience, which he dearly bought, and my constant solicitude to promote the prosperity of my dominions, led to a negotiation for peace. My ministers empowered for that purpose have met those of the French emperor. My wish is an honourable peace; a peace, the stipulations of which offer a prospect and the possibility of duration.—The valour of my armies, their unshaken courage, their ardent love of their country, their desire strongly pronounced not to lay down their arms till an honourable peace shall have been obtained, could never allow me to agree to conditions which threatened to shake the very foundation of the monarchy, and disgrace us. The high spirit which animates my troops affords me the best security, that, should the enemy yet mistake our sentiments and disposition, we shall certainly obtain the reward of perseverance.

“ Comorn, Aug. 16. “ FRANCIS.”

M. Degen, a watch-maker in Vienna, has invented a machine by which a person can rise into the air. He has since made several public experiments, and rose to the height of 54 feet, flying in various directions with the celerity of a bird. A subscription has been opened at Vienna to enable him to prosecute his discoveries. The machine is formed of two parachutes of taffeta, which may be folded up or extended at pleasure, and the person who moves them is placed in the centre.

15. A court of common council was held to take into consideration the propriety of celebrating the fiftieth anniversary of his majesty's

accession to the throne of these realms. Sir W. Curtis, after enumerating the various blessings which the country had enjoyed under the mild and paternal government of one of the best of sovereigns during a reign of 49 years, declared, that in bringing the matter before the court he had been actuated alone by a sense of duty, and not by any political motives. Sir William proposed two resolutions for their adoption:—1. “That this court will celebrate the approaching anniversary of his majesty’s accession to the throne of these kingdoms, on the 25th day of October next, being the day on which his majesty will enter the 50th year of his reign.—2. That a committee be formed, consisting of all the aldermen, and a commoner out of each ward, to consider of the best means of carrying the said resolution into effect, and to report their opinion thereupon to this court.”—Mr. Waithman insisted that the motion was brought forward with no other view but to cover the disgrace of ministers. He had no objection to address his majesty on the occasion; nor, if the corporation should be invited to dine at the Mansion-house on turtle and venison, should he object to that—but to illuminate and run into expenses, at a time when the people were unable to pay their taxes, was too much. Mr. W. concluded with reading an amendment, declaratory of his sentiments of respect for the sovereign, but condemning the system which had been pursued since his accession to the throne. Mr. W. did not press the amendment; and the two resolutions were agreed to.

NEW COVENT GARDEN THEATRE.

18. The new theatre opened this night; and is certainly very ele-

gant. The front of the boxes are painted of a dove-colour ground with different gold Etruscan borders, of the breadth of the whole pannel, running round each tier. The different tiers are supported by gold pillars, from the top of each of which runs a gilt iron brackee suspending a superb glass and gold chandelier for wax candles. The backs of the boxes are pink, and the doors solid mahogany. The prevailing colour of the theatre is therefore, pink, excepting in the tier of private boxes, where the slanting sides of each box, which hinder the back of it from being seen, are of the dove-colour. The backs of the boxes are the only parts of the theatre that look unfinished. The pink is not at all relieved; and the newness of the mahogany-doors, round which there is no border of any kind, makes them look little better than oak. The two-shilling gallery is even with the fourth circle of boxes; and the fifth circle, in which is placed the one-shilling gallery, is removed considerably backwards. The different arches, which support the roof of the theatre, here divide the circle into boxes, and the gallery into compartments. The view of the stage from this gallery, and particularly from the side boxes even with it, must be very bad. The ceiling of the theatre is painted to imitate a dome. The proscenium of the stage is a large arch, from the top of which hang red curtains festooned in the Grecian style, and ornamented with a black Grecian border and gold fringe: on each of these festoons is painted a gold wreath, in the centre of which is written in gold letters the motto of the stage, “*Veluti in speculum.*” The proscenium is supported by pillars painted to imitate yellow stained

stained marble, of which colour are the sides of the pit; and the stage doors are white and gold. The drop is peculiarly grand. It represents a temple dedicated to Shakspeare, in the back of which is seen his statue from Westminster-abbey, supported by Tragedy and Comedy; and between pillars on each side are statues of Æschylus, Plautus, Lopez de Vega, Ben Jonson, Moliere, &c. &c.—The entrance to this splendid theatre is even grander than the theatre itself. The noble stone portico on the outside has a grand effect. The ingenious architect, Mr. Smirke, has taken for his model a charming specimen of the Doric from the ruins of Athens,—the grand temple of Minerva situated in the acropolis, or castle of Athens. The portico is considerably less than that of St. Martin in the Fields, which is much inferior in dimensions to the original Athenian example. The ornaments on the tympanum and frieze, and at the corners of the pediment, are omitted. The interior row of columns is also omitted, to make room for which the street does not allow a sufficient projection of the portico. As you enter the grand portico, to proceed to the boxes, you turn to the left; and at the top of a short flight of steps, which is surmounted on each side by a pedestal, on which is placed a bronze Grecian lamp, are seated the money-takers. After passing them, there is another flight of steps, along each side of which, on a level with the top step, runs a row of four round Ionic pillars, and two half square ones, all exactly imitated from porphyry. Between each of these hangs a bronze Grecian lamp. Fronting you, as you ascend these steps, is a cast statue of Shakspeare, placed under an arch in the anti-room. This statue is quite a new

design. The face is more like the Felton likeness than the Chandos; and the figure is standing in a graceful attitude, folding his drapery round him. The anti-room is supported by pillars in equally exact imitation of porphyry. In the size of the principal lobby we were much disappointed: it is a long narrow room, ornamented indeed with eight beautiful cast statues from the antique; but it is small, and the parts devoted to the service of refreshments are peculiarly confined. The lobby up-stairs is still smaller, and the staircases are very narrow. Upon the whole, however, the theatre is well contrived and tastefully executed, and, both in its inside and outside, worthy of the metropolis in which it is placed.

The specimens of the fine arts exhibited in the sculpture of the front are representations of the ancient and modern drama, in basso relievo. The designs are classical, and the execution masterly. The piece representing the ancient drama is to the north of the portico, and that representing the modern drama is on the south side.

THE ANTIENT DRAMA. In the centre three Greek poets are sitting; the two looking towards the portico are Aristophanes, representing the old comedy, and (nearest to the spectator) Menander, representing the new comedy. Before them Thalia presents herself with her crook and comic mask, as the object of their imitation. She is followed by Polyhymnia playing on the greater lyre, and by Euterpe on the lesser lyre, Clio with the long pipes, and Terpsichore, the Muse of action or pantomime. These are succeeded by three nymphs crowned with the leaves of the fir-pine, and in succinct tunics, representing the Hours or Seasons governing and at-

tending the winged horse Pegasus. The third sitting figure in the centre, looking from the portico, is Æschylus, the father of tragedy. He holds a scroll open on his knee; his attention is fixed on Wisdom, or Minerva, seated opposite to the poet. She is distinguished by her helmet and shield. Between Æschylus and Minerva, Bacchus stands leaning on his fawn, because the Greeks represented tragedies in honour of Bacchus. Behind Minerva stands Melpomene, or Tragedy, holding a sword and mask; then follow two Furies, with snakes and torches, pursuing Orestes, who stretches out his hands to supplicate Apollo for protection. Apollo is represented in the quadriga, or four-horsed chariot of the sun. The last-described figures relate to part of Æschylus's Tragedy of Orestes.—THE MODERN DRAMA. In the centre (looking from the portico) Shakspeare is sitting; the comic and tragic masks, with the lyre, are about his seat; his right hand is raised, expressive of calling up the following characters in the Tempest:—First, Caliban, laden with wood; next, Ferdinand, sheathing his sword; then, Miranda, entreating Prospero in behalf of her lover;—they are led on by Ariel above, playing on a lyre. This part of the composition is terminated by Hecate (the three-formed goddess) in her car, drawn by oxen, descending. She is attended by lady Macbeth, with the daggers in her hands, followed by Macbeth turning in horror from the body of Duncan behind him. In the centre (looking toward the portico) is Milton, seated, contemplating Urania, according to his own description in the Paradise Lost. Urania is seated facing him above; at his feet is Sampson Agonistes chained. The remaining figures represent the

masque of Comus; the two brothers drive out three Bacchanals, with their staggering leader Comus. The Enchanted Lady is seated in the chair; and the series is ended by two tigers, representing the transformation of Comus's devotees. The designs of both basso-relievos, and the models of the ancient drama, are by Mr. Flaxman. The models of the modern drama, and the execution in stone, is by Mr. Rossi.

Statues 7 feet in height, representing Tragedy and Comedy, are placed in niches in the wings of the theatre. Tragedy, on the south wing, is a fine figure, holding the tragic mask and dagger: The sculptor is Mr. Rossi. Comedy holds the shepherd's crook or pedum on her right shoulder, and the comic mask in her left hand. This is the workmanship of Mr. Flaxman, and occupies the northern wing.

[See Principal Occurrences for December; in which will be found an account of the rise, progress, and termination of the riots in the new theatre occasioned by the new prices of admission.]

DUEL

Between the right honourable lord viscount Castlereagh, his majesty's principal secretary of state for the war and colonial department, and the right honourable George Canning, his majesty's principal secretary of state for foreign affairs.

21. A duel took place early this morning between lord Castlereagh and Mr. Canning, in which the latter received a wound in the left thigh; it is not dangerous, being merely a flesh wound. The meeting took place at Putney Heath.—Lord Yarmouth seconded lord Castlereagh, and Mr. R. Ellis accompanied Mr. Canning. We understand

derstand they fired by signal, at the distance of ten yards. The first missed; and no explanation taking place they fired a second time, when Mr. Canning was wounded in the left thigh on the outer side of the bone; and thus the affair terminated. He was put into a coach and conveyed to Gloucester-lodge, his newly-purchased seat at Brompton, and Lord Castlereagh returned to his house in St. James's-square.

LORD CASTLEREAGH AND MR. CANNING.

The following correspondence took place between Lord Castlereagh and Mr. Canning, immediately previous to their duel:—

“ St. James's-square, Sept. 19, 1809.

“ Sir—It is unnecessary for me to enter into any detailed statement of the circumstances which preceded the recent resignations. It is enough for me, with a view to the immediate object of this letter, to state, that it appears a proposition had been agitated, without any communication with me, for my removal from the war department; and that you, towards the close of the last session, having urged a decision upon this question, with the alternative of your seceding from the government, procured a positive promise from the duke of Portland (the execution of which you afterwards considered yourself entitled to enforce), that such removal should be carried into effect. Notwithstanding this promise, by which I consider you pronounced it unfit that I should remain charged with the conduct of the war, and by which my situation, as a minister of the crown, was made dependent upon your will and pleasure, you continued to sit in the same cabinet with me,

and to leave me not only in the persuasion that I possessed your confidence and support as a colleague, but you allowed me, in breach of every principle of good faith, both public and private, though thus virtually superseded, to originate and proceed in the execution of a new enterprize of the most arduous and important nature, with your apparent concurrence and ostensible approbation.

“ You were fully aware, that if my situation in the government had been disclosed to me, I could not have submitted to remain one moment in office, without the entire abandonment of my private honour and public duty. You know I was deceived, and you continued to deceive me.

“ I am aware it may be said, which I am ready to acknowledge, that when you pressed for a decision for my removal, you also pressed for its disclosure, and that it was resisted by the duke of Portland, and some members of the government, supposed to be my friends; but I never can admit that you have a right to make use of such a plea in justification of an act affecting my honour, nor that the sentiments of others could justify an acquiescence in such a delusion on your part, who had yourself felt and stated its unfairness. Nor can I admit that the head of any administration, or any supposed friend, whatever may be their motives, can authorize or sanction any man in such a course of long and persevering deception. For were I to admit such a principle, my honour and character would from that moment be in the discretion of persons wholly unauthorized, and known to you to be unauthorized, to act for me in such a case. It was, therefore,

your act and your conduct which deceived me ; and it is impossible for me to acquiesce in being placed in a situation by you, which no man of honour could knowingly submit to, nor patiently suffer himself to be betrayed into, without forfeiting that character.

“ I have no right, as a public man, to resent your demanding, upon public grounds, my removal from the particular office I have held, or even from the administration, as a condition of your returning a member of the government. But I have a distinct right to expect that a proposition, justifiable in itself, shall not be executed in an unjustifiable manner, and at the expense of my honour and reputation. And I consider that you were bound, at least, to avail yourself of the same alternative, namely, your own resignation, to take yourself out of the predicament of practising such a deceit towards me, which you did exercise in demanding a decision for my removal.

“ Under these circumstances, I must require that satisfaction from you to which I feel myself entitled to lay claim.

“ I am, &c.

“ CASTLEREAGH.”

The right hon. George Canning,
&c. &c. &c.

“ *Gloucester Lodge, Sept 20, 1809.*

“ My Lord—The tone and purport of your lordship’s letter, which I have this moment received, of course preclude any other answer on my part to the misapprehensions and misrepresentations with which it abounds, than that I will cheerfully give your lordship the satisfaction which you require.

“ I am, &c.

“ GEORGE CANNING.”

Lord vis. Castlereagh, &c. &c. &c.

The following detail of the original cause of the animosity between Lord Castlereagh and Mr. Canning is supposed to be written by Mr. Cooke, the private secretary to lord Castlereagh :—

“ It is undoubtedly true, that Mr. Canning, during the Easter recess, did make a representation in a letter to the duke of Portland, with respect to the war department, founded upon differences which had prevailed between him and lord Castlereagh ; but it is not true that this letter was shown to the cabinet, or that the subject was even stated to the cabinet, however it might have been secretly communicated to some of the members. It is also true that a suggestion was made for appointing the marquis Wellesley to succeed lord Castlereagh. It is likewise undeniable, that a decision upon this point was postponed till near the close of the session. It is further ascertained, that towards the close of the session, when lord Grenville Leveson Gower’s writ was to be moved for, on account of his coming into office, and the cabinet, that Mr. Canning called upon the duke of Portland, as a condition of his remaining in the government, to give him a decision upon the proposition for removing lord Castlereagh, and appointing the marquis Wellesley his successor ; and the duke of Portland having given Mr. Canning a specific and positive promise to this effect, Mr. Canning pressed that it should be immediately acted upon, and lord Castlereagh acquainted with it. Lord Castlereagh, however, was not acquainted with it, and Mr. Canning acquiesced in its being concealed from him.

“ Undoubtedly, lord Camden was acquainted with the transactions ;

tions; but it is not true that his lordship ever undertook to make the disclosure to lord Castlereagh, nor did he ever make it. It is also true, that Mr. Canning was thoroughly apprised that it was not made known to lord Castlereagh. And it is further true, that lord Castlereagh, being kept in profound ignorance of the decision for his removal from office, was permitted, though in fact virtually no longer a minister, and in this state of delusion, to continue to conduct the entire arrangement of the campaign, and to engage in a new expedition of the most extensive, complicated and important nature; under the full persuasion, not that Mr. Canning had supplanted him in office, and possessed in his pocket a promise for his dismissal, but that he really enjoyed (as during the period he in outward show and daily concurrence, experienced) Mr. Canning's sincere, liberal, and *bona fide* support, as a cooperating and approving colleague. It is further known, that Mr. Canning having thus in his pocket lord Castlereagh's dismissal, and having arranged with the duke of Portland that it should be carried into execution at the termination of the expedition, he did, on the 3d September, the day that the account arrived from lord Chatham that he could not proceed to Antwerp, write to the duke of Portland, demanding the execution of the promise made to him. What were all the difficulties which were started from time to time against the immediate execution of this promise, it would be extremely difficult to detail; but there cannot be a doubt but the question of the writership, which it has been attempted to connect with this transaction, could have nothing to do with it; as Mr.

Canning never contended for lord Castlereagh's removal from the government, but from the particular office he held, and into which he wished to introduce lord Wellesley. It appears that the demand of the fulfilment of the promise led to the resignation of the duke of Portland, and subsequently of Mr. Canning. And it further appears, that as soon as the whole of this unparalleled conduct was, at this late period, disclosed to lord Castlereagh, he immediately placed his resignation in his majesty's hands.—On the truth of the above facts the public may rely; and they can no longer be at a loss for the real causes and grounds of the demand made by lord Castlereagh for satisfaction from Mr. Canning."

MR. CANNING'S ANSWER TO LORD CASTLEREAGH'S STATEMENT.

The following has been ushered to the world as the statement of Mr. Canning, on the subject of the difference which led to the recent duel between himself and lord Castlereagh:—

"It is perfectly true, that so long ago as Easter Mr. Canning had represented to the duke of Portland the insufficiency (in his opinion) of the government, as then constituted, to carry on the affairs of the country, under all the difficulties of the times; and had requested that, unless some change should be effected in it, he might be permitted to resign his office.—It is equally true, that in the course of the discussion, which arose out of this representation, it was proposed to Mr. Canning, and accepted by him, as the condition of his consenting to retain the seals of the foreign office, that a change should be made in the war department.

"But it is not true that the time
at

at which that change was ultimately proposed to be made, was of Mr. Canning's choice; and it is not true that he was party or consenting to the concealment of that intended change from lord Castlereagh.

"With respect to the concealment, Mr. Canning, some short time previous to the date of lord Castlereagh's letter, without the smallest suspicion of the existence of any intention on the part of lord Castlereagh to make such an appeal to Mr. Canning as this letter contains, but upon information that some misapprehension did exist as to Mr. Canning's supposed concurrence in the reserve which had been practised towards lord Castlereagh, transmitted to one of lord Castlereagh's most intimate friends, to be communicated whenever he might think proper, the copy of a letter addressed by Mr. Canning to the duke of Portland, in the month of July, in which Mr. Canning requests, 'in justice to himself, that it may be remembered, whenever hereafter this concealment shall be alleged (as he doubts not that it will) against him, as an act of injustice towards lord Castlereagh, that it did not originate in his suggestion;—that, so far from desiring it, he conceived, however erroneously, lord Camden to be, the sure channel of communication to lord Castlereagh; and that up to a very late period he believed such communication to have been actually made.'

"The copy of this letter, and of the duke of Portland's answer to it, 'acknowledging Mr. Canning's repeated remonstrances against the concealment,' are still in the possession of lord Castlereagh's friend.

"The communication to lord

Camden, to which this letter refers, was made on the 28th April with Mr. Canning's knowledge, and at his particular desire. Lord Camden being near the connexion and most confidential friend of lord Castlereagh, it never occurred to Mr. Canning, nor was it credible to him, till he received the most positive asseverations of the fact, that lord Camden had kept back such a communication from lord Castlereagh.

"With respect to the period at which the change in the war department was to take place, Mr. Canning was induced, in the first instance, to consent to its postponement till the rising of parliament, partly by the representations made to himself, of the inconvenience of any change in the middle of a session, but principally from a consideration of the particular circumstances under which lord Castlereagh stood in the house of commons after Easter; circumstances which would have given to his removal at that period of the session, a character which it was certainly no part of Mr. Canning's wish that it should bear.

"Mr. Canning, however, received the most positive promise, that a change in the war department should take place immediately upon the close of the session. When that time arrived, the earnest and repeated entreaties of most of lord Castlereagh's friends in the cabinet were employed to prevail upon Mr. Canning to consent to the postponement of the arrangement.

"At length, and most reluctantly, he did give his consent to its being postponed to the period proposed by lord Castlereagh's friends, viz. the termination of the expedition then in preparation; but did so upon the most distinct and solemn

solemn assurances, that whatever might be the issue of the expedition, the change should take place at that period; that the seats of the war department should then be offered to lord Wellesley (the person for whose accession to the cabinet Mr. Canning was known to be most anxious), and that the interval should be diligently employed by lord Castlereagh's friends in preparing lord Castlereagh's mind to acquiesce in such an arrangement.

"It was therefore matter of astonishment to Mr. Canning, when, at the issue of the expedition, he reminded the duke of Portland that the time was now come for his grace's writing to lord Wellesley, to find, that so far from the interval having been employed by lord Castlereagh's friends in preparing lord Castlereagh for the change, the same reserve had been continued towards him, against which Mr. Canning had before so earnestly remonstrated. Being informed of this circumstance by the duke of Portland, and learning at the same time from his grace that there were other difficulties attending the promised arrangement, of which Mr. Canning had not before been apprised; and that the duke of Portland had himself come to a determination to retire from office, Mr. Canning instantly, and before any step whatever had been taken towards carrying the promised arrangement into effect, withdrew his claim, and requested the duke of Portland to tender his (Mr. Canning's) resignation, at the same time with his grace's, to the king. This was on Wednesday the 6th of September, previously to the levee of that day.

"All question of the performance of the promise made to Mr.

Canning being thus at an end, the reserve which lord Castlereagh's friends had hitherto so perseveringly practised towards lord Castlereagh, appears to have been laid aside. Lord Castlereagh was now made acquainted with the nature of the arrangement which had been intended to have been proposed to him.

"What may have been the reasons which prevented lord Castlereagh's friends from fulfilling the assurances given to Mr. Canning, that lord Castlereagh's mind should be prepared by their communication for the arrangement intended to be carried into effect; and what the motives for the disclosure to lord Castlereagh after that arrangement had ceased to be in contemplation, it is not for Mr. Canning to explain."

In addition to lord Castlereagh's and Mr. Canning's statements of the origin of the late duel,—the following has been published by lord Camden:—

"As it may be inferred, from a statement which has appeared in the public papers, that lord Camden withheld from lord Castlereagh a communication which he had been desired to make to him, it is necessary that it should be understood, that, however Mr. Canning might have conceived the communication alluded to, to have been made to lord Camden, it was never stated to lord Camden that the communication was made at the desire of Mr. Canning, and that, so far from lord Camden having been authorized to make the communication to lord Castlereagh, he was absolutely restricted from so doing.

"As it may also be inferred that lord Camden was expected to prepare lord Castlereagh's mind for any

any proposed change, it is necessary that it should be understood that lord Camden never engaged to communicate to lord Castlereagh any circumstances respecting it, before the termination of the expedition."

21. Mr. Barrett, a wine-merchant in Mark-lane, was arrested on suspicion of being the person who committed the assault and rape on miss Latham at Worthing. In his first examination, which was private, the lady swore positively to his person: but on the next appearance Mr. Alley and Willet attended for the defendant. The former gentleman briefly addressed Mr. Neve the magistrate, and requested, on behalf of his client, that the examination should be public, in order that the case might be fairly represented to the public.

The testimony of the prosecutrix was read over, and which was as follows:—She was walking along South-street, Worthing, about seven o'clock, on the 10th of July, after having left her brother and maid-servant at a bathing machine, when she was overtaken by the defendant, who took her by the arm, and pressed his conversation to her. The young lady declined his company, but he still solicited her to grant him five minutes conversation. The defendant followed her to the door of her lodgings, where he left her. The next morning, miss Latham saw the defendant pass the house, but she supposed he did not see her. On the morning of the 12th, the young lady had returned from bathing, and whilst sitting on her sofa and perusing a book, she heard the lock of the door opened, and supposing it to be the son of Mr. King of Bedford-row, she went down stairs, and to her surprise beheld the defendant, who followed her hastily into the draw-

ing-room. He immediately began to take liberties, and miss Latham fainted. She did not know what happened until some time after, when she partly recovered, and found herself on the sofa, with a handkerchief tied over her mouth. The defendant had taken off her white sash, and tied her hands at her wrist. He observed that she should not be hurt, and advised her not to be alarmed. After having violated her person, the defendant used pressing solicitations to prevail on her to elope, and added, that a post-chaise should be waiting for her at the door of Mr. Ogle. He assured her that he would treat her affectionately; she should go to his country-house, and have servants at her command. The defendant loosened the handkerchief from the young lady's mouth, in order, as he said, to receive a gratifying answer to the proposed elopement; but on her indignantly expressing her abhorrence of his conduct, he again fastened the handkerchief over her mouth, and left the room, after having placed the furniture, &c. in order. Miss Latham loosened the handkerchief, by placing herself against a table, and contrived to ring the bell for her servant, Lawrence, who untied the white sash, and loosened her hands. The prosecutrix swore positively to the defendant, as being the man who had violated her person, and whom she had an opportunity of knowing from repeatedly seeing him.

Mr. Alley, in defence of his client, begged to offer such evidence to the magistrate, by *alibi*, as should convince him of the total innocence of Mr. Barrett, and which would be proved by a host of unimpeachable witnesses.

Mr. Francis Feltoe, an excise officer, proved having executed two bonds

bonds in the presence of the defendant on his premises in Thames-street, on the 12th of July, (the day the rape was said to have been committed,) between the hours of twelve and two, which bonds were produced with the defendant's signature.

Mr. Robert Fullow saw and conversed with the defendant on the 13th.

Mr. Hale received a cheque of the defendant, signed by his own hand, which he paid into a banking-house on the 12th, as did also Mr. Grubb.

Mr. Dobson, a merchant, dined in a party with the defendant, at the house of a friend in Cork-street, Bond-street, on the 12th of July.

Mr. Backhouse called on the defendant on the 10th of July, and ordered some ale, which was sent in on the 11th, and on the 12th the witness called again, and saw Mr. Barrett, with whom he had some conversation on the excellence of his ale, and gave him another order.

Mr. Morley, a merchant, effected a policy with the defendant on the morning of the 13th;—and several other witnesses proved an *alibi*, as completely as ever was proved in any court. These several witnesses, who were of the first respectability, described the defendant as a man of nice morals, an exemplary husband, and the father of five children. Mr. Barrett had been at Worthing in the early part of the season, as was his usual custom, but he was there with Mrs. B. and his children. Miss Latham did not attend this examination, but Mr. Gurney watched the evidence on her behalf. The magistrate expressed his conviction of the innocence of Mr. Barrett, but felt it his duty to order another examination, to give

an opportunity for other witnesses to be brought forward on so serious a charge. Miss Latham, the prosecutrix, is a handsome young lady, 16 years of age; she had accompanied her parents to Worthing, who left her with her brother and a female servant.

20. The following instance of humanity and activity in the Ramsgate boatmen merits record:—A sailor, looking through a telescope on the pier this morning, saw a boat at sea seemingly coming towards the harbour, when he perceived her suddenly to upset, at about three miles distance. He immediately gave the alarm; and the Nile Ramsgate boat, Wilkinson master, in a moment manned and put off with a great press of sail to their assistance, at the imminent danger of being themselves overset, as there was a fresh breeze and a considerable scud. The Nile fortunately arrived in time to save every person belonging to the boat, nine in number, viz. a lieutenant, midshipman, and seven seamen, belonging to the Diana frigate in the Downs. The admiralty has rewarded the men with 40 guineas.

At the council chamber at the Queen's Palace, the 27th Sept.

It is ordered that the lord archbishop of Canterbury do prepare the form of a prayer and thanksgiving to Almighty God for the protection afforded the king's majesty during a long and an arduous reign; such prayer to be used in the service appointed for the day, after the general thanksgiving, in all churches and chapels in England and Wales, and town of Berwick-upon-Tweed, Wednesday, the 25th of October, being the day on which his majesty began his happy reign.

27. Thurs.

27. Thursday, James Hewit, an old man nearly sixty years of age, was indicted for a misdemeanor, in having, in the month of May last, contrary to an act passed in the reign of Geo. II., seduced an artificer of this country to leave this kingdom. From the testimony of the witness examined, it appeared that the prisoner, although recently from America, is an Englishman, and had lately frequented a public-house called the York Minister, immediately in the vicinity of the cotton manufactory of Messrs. Hughes and Lewis, Bunhill-row, to which the men employed in the service of Messrs. Hughes and Lewis resorted; and amongst others a man named Hutchinson, who had been formerly apprenticed from the parish of St. Martin, to a cotton manufactory near Manchester, where he remained till he arrived at the age of 21. He then came to London, and was employed in the service of Messrs. Hughes and Co. in the wool-dyeing business, and was in fact returned a fair workman. This man the prisoner frequently met, and, by glowing representations of the advantages and great wages he was likely to obtain by going to America, induced him to agree to emigrate, for the purpose of being employed in a cotton manufactory at a place called Cooper's Town, within two miles of New-York, and a short distance from the residence of the prisoner. Messrs. Hughes and Lewis having heard of this negotiation, sent for the prisoner and remonstrated with him on the illegality of the steps he was pursuing, forewarning him at the same time, that if he persisted in his delinquency they would punish him with the rigour of the law. The prisoner then declared his ignorance of any criminality at-

taching to his conduct, and promised most faithfully that he would relinquish his intentions. In a few days, however, Mr. Hughes discovered that Hutchinson was making preparations for his departure, and that his passage had actually been taken on board an American ship. The prisoner was then apprehended; and on being brought before a magistrate produced a receipt for 121 dollars, paid by him to the mate of an American ship for Hutchinson's passage, and also a promissory note of Hutchinson's for that sum, and for other moneys which had been advanced to him by the prisoner, to be paid out of the produce of his labours in America. The prisoner's defence was, that Hutchinson came a second time to him, and said he had his master's permission to leave the country, and that from his solicitations he was induced to pay his passage out.

The common serjeant, who tried the case, in summing up the evidence, dwelt with peculiar force on the mischievous tendency of the crime of which the prisoner stood charged, which, he said, was most materially connected with the manufacturing interests of the country, and well deserved punishment by law in a most exemplary manner; the legislature having decreed, that persons convicted of such an offence should be subject to twelve months imprisonment, and to pay a penalty of 500*l.*—The jury, without a moment's hesitation, returned a verdict of *Guilty*.

Hutchinson, the artificer seduced, was then tried under an act, passed in the 5th of George the First, which enacts, "That any artificer, particularly in the manufactures of cotton, wool, silk, mohair, &c. who should be convicted of, or detected in, preparing to leave the

the kingdom, for the purpose of devoting his knowledge for the benefit and advantage of foreign countries, not within the British dominions, should he bound to enter into recognizances himself, and two sureties, for remaining in the country."

The evidence in the former case was again gone through, and the prisoner was found *Guilty*.

ASSAULT AT WORTHING.

Marlborough-street.

28. On Thursday Mr. Barrett again appeared at this office, to answer the charge exhibited against him by miss Latham, for a rape; but the lady did not appear, and the magistrate ordered the defendant to be discharged. Mr. Alley, for the defendant, observed, on the part of his client, that he was obliged to the magistrate for his impartial administration of justice in this case, which had solaced the defendant under the affliction arising from a foul accusation. The learned council observed, that he had other witnesses to strengthen then that *alibi* which had been proved on a former day, and which alone was sufficient in every liberal mind to prove the innocence of Mr. Barrett. Mr. Alley next solicited of the magistrate a copy of the examination, as it would hereafter be required. The magistrate observed, that he felt it his duty to detain the defendant at the last examination, having understood that further evidence would be adduced, and it would be unfair in him to conceal this evidence. An ostler, from the White Hart livery stables, had stated that Mr. Barrett's horse was ordered out on the 10th. of July, but he could not swear whether the defendant was at home at the time. A postman from Worthing

was also examined, who said that the defendant was at Worthing on the 9th of July; but on being examined before the magistrate, he could not speak with certainty to within a week of that time, and all that he knew was, it was on a Sunday that he had delivered a letter to Mr. Barrett. Mr. Neve, in continuation, observed, that there was no evidence to shake the *alibi* proved on the former day; for if there had been any other witnesses on the part of the prosecution, he should have felt it his duty to have sent the case to a jury. He concluded by expressing his conviction of the defendant's innocence.

It was stated a short time since, that some persons were taken into custody who were the real fabricators of forged one-pound Bank of England notes. Two of them, John Sly, and a woman of the name of Flamson, have been examined at the Marlborough-street police office, and on Tuesday they were fully committed for trial. The man prisoner is the same who two years ago was sentenced to six months imprisonment for forging theatrical benefit tickets on Mr. De Camp and others. The woman prisoner cohabited with Sly, and they were taken into custody in Shoreditch, and plates for the fabricating of notes were found in their apartments.

Thomas Humphries and George Banket, alias Bishop, notorious housebreakers, were on Wednesday fully committed for trial, for breaking into the house of Mr. Stockdale, bookseller, in Piccadilly, with intent to steal. The prisoners, by their manner of unlocking the street-door of the prosecutor's house, attracted the notice of a gentleman who was passing, and he alarmed Mr. Stockdale. They were

surrounded without, and some persons entered, when the thieves, on being alarmed, escaped out of the first floor window; but they were immediately taken, and conveyed to St. James's watch-house. The prisoners had taken up the carpets.

CORRESPONDENCE BETWEEN MR. PERCEVAL, EARL GREY, AND LORD GRENVILLE.

Letter sent in duplicate to earl Grey and lord Grenville.

"Windsor, Saturday, Sept. 23, 1809.

"My Lord—The duke of Portland having signified to his majesty his intention of retiring from his majesty's service, in consequence of the state of his grace's health, his majesty has authorised lord Liverpool, in conjunction with myself, to communicate with your lordship and lord Grey, for the purpose of forming an extended and combined administration.

"I hope, therefore, that your lordship, in consequence of this communication, will come to town, in order that as little time as possible may be lost in forwarding this important object, and that you will have the goodness to inform me of your arrival.

"I am also to acquaint your lordship, that I have received his majesty's commands to make a similar communication to lord Grey of his majesty's pleasure.

"I think it proper to add, for your lordship's information, that lord Castlereagh and Mr. secretary Canning have intimated their intentions to resign their offices.

"I have the honour to be, &c. &c.

"SPENCER PERCEVAL."

ANSWER FROM LORD GREY.

"Howick, Sept. 26.

"Sir—I have this evening had the honour of receiving your letter of the 23d, informing me, that in

consequence of the duke of Portland's intention of retiring from his majesty's service, his majesty had authorised you, in conjunction with the earl of Liverpool, to communicate with lord Grenville and myself, for the purpose of forming an extended and combined administration, and expressing a hope that in consequence of this communication I would go to town, in order that as little time as possible may be lost in forwarding this important object.

"Had his majesty been pleased to signify that he had any commands for me personally, I should not have lost a moment in showing my duty and obedience, by a prompt attendance on his royal pleasure.

"But when it is proposed to meet to communicate with his majesty's present ministers, for the purpose of forming a combined administration with them, I feel that I should be wanting in duty to his majesty, and in fairness to them, if I did not frankly and at once declare, that such an union is, with respect to me, under the present circumstances, impossible. This being the answer I find myself under the necessity of giving, my appearance in London could be of no advantage, and might possibly, at a moment like the present, be attended with some inconvenience.

"I have thought it better to request, that you will have the goodness to lay my duty at the feet of his majesty, humbly intreating him not to attribute to any want of attachment to his royal person, or to diminished zeal for his service, my declining a communication, which, on the terms proposed, could lead to no useful result, and which might be of serious detriment to the country, if in consequence of a less

less decisive answer from me, any further delay should take place in the formation of a settled government.

I am, &c.

“GREY.”

FIRST ANSWER FROM LORD GRENVILLE.

“*Boconnoc, Sept. 25, 1809.*”

“Sir—I have the honour to acknowledge your letter of the 23d instant, and understanding it as an official signification of his majesty’s pleasure for my attendance in town, I shall lose no time in repairing thither, in humble obedience to his majesty’s commands.

“I must beg leave to defer until my arrival all observations on the other matters to which your letter relates.

“I have, &c.

“GRENVILLE.”

SECOND ANSWER FROM LORD GRENVILLE.

“*Sept. 29, 1809.*”

“Sir—Having last night arrived here, in humble obedience to his majesty’s commands, I think it now my duty to lose no time in expressing to you the necessity under which I feel myself of declining the communication proposed in your letter, being satisfied that it could not, under the circumstances there mentioned, be productive of any public advantage.

“I trust I need not say, that this opinion is neither founded in any sentiment of personal hostility, nor in a desire of unnecessarily prolonging political differences.

“To compose, not to inflame, the divisions of the empire, has always been my anxious wish, and is now more than ever the duty of every loyal subject; but my accession to the existing administration could, I am confident, in no respect contribute to this object; nor could it, I think, be considered in

1809.

any other light than as a dereliction of public principle.

“This answer, which I must have given to any such proposal if made while the government was yet entire, cannot be varied by the retreat of some of its members.

“My objects are not personal—they apply to the principle of the government itself, and to the circumstances which attended its appointment.

“I have now, therefore, only to request, that you will do me the honour of submitting, in the most respectful terms, these my humble opinions to his majesty, accompanied by the dutiful and sincere assurance of my earnest desire at all times to testify, by all such means as are in my power, my unvaried zeal for his majesty’s service.

“I have, &c.

“GRENVILLE.”

LETTER FROM MR. PERCEVAL TO LORD GRENVILLE.

“*Sept. 29, 1809.*”

“My lord—I lost no time in communicating to lord Liverpool your lordship’s letter of this day.

“It is with great concern that we have learnt from it, that your lordship feels yourself under the necessity of declining the communication which I had the honour to propose.

“In proposing to your lordship and lord Grey, under his majesty’s authority, to communicate with lord Liverpool and myself, not for the accession of your lordship to the present administration, but for the purpose of forming a combined and extended administration, no idea existed in our minds of the necessity of any dereliction of public principle on either side.

“Your lordship may rest assured, that in communicating to his

(M)

majesty

majesty the necessity under which you feel yourself of declining the communication which I had the honour to propose to your lordship, I will do every justice to the respectful terms, and the dutiful and sincere assurance of your lordship's unwearied zeal for his majesty's service, with which the expression of that necessity was accompanied.

"I cannot conclude without expressing the satisfaction of lord Liverpool and myself at your lordship's assurance, that the failure of this proposal is not to be attributed to any sentiment of personal hostility. I have, &c. &c.

"SPENCER PERCEVAL."

OCTOBER.

4. The following particulars of Lefebvre's expedition against the Tyrol, in August last, were communicated by a Saxon major, who escaped from the destruction of those terrible days:—

"We had penetrated to Inspruck without great resistance; and although much was every where talked of the Tyrolese stationed upon and round the Brenner, we gave little credit to it, thinking the rebels to have been dispersed by a short cannonade, and already considering ourselves as conquerors. Our entrance into the passes of the Brenner was only opposed by small corps, which continued falling back, after an obstinate though short resistance. Among others, I perceived a man full eighty years of age, posted against the side of a rock, and sending death amongst our ranks with every shot. Upon the Bavarians descending from behind to make him prisoner, he shouted aloud, *Hurrah!* struck the first man to the ground with a ball, seized hold of the second, and with the ejaculation, *In God's name!* pre-

cipitated himself with him into the abyss below. Marching onwards, we heard resound from the summit of a high rock: *Stephen! shall I chop it off yet?* to which a loud *Nay* reverberated from the opposite side. This was told to the duke of Dantzic, who, notwithstanding, ordered us to advance: at the same time he prudently withdrew from the centre to the rear. The van, consisting of 4000 Bavarians, had just stormed a deep ravine, when we again heard halloo'd over our heads—*Hans! for the most Holy Trinity!* Our terror was completed by the reply that immediately followed:—*In the name of the Holy Trinity!—Cut all loose above!* and ere a minute had elapsed, were thousands of my comrades in arms crushed, buried, and overwhelmed, by an incredible heap of broken rocks, stones, and trees, hurled down upon us. All of us were petrified. Every one fled that could; but a shower of balls from the Tyrolese, who now rushed from the surrounding mountains in immense numbers, and among them boys and girls of ten and twelve years of age, killed or wounded a great many of us. It was not till we had got these fatal mountains six leagues behind us, that we were reassembled by the duke, and formed into six columns. Soon after the Tyrolese appeared, headed by Hofer the innkeeper. After a short address from him, they gave a general fire, flung their rifles aside, and rushed upon our bayonets with only their clenched fists. Nothing could withstand their impetuosity. They darted at our feet, threw or pulled us down, strangled us, wrenched the arms from our hands; and, like enraged lions, killed all—French, Bavarians, and Saxons, that did not cry for quarter. By doing so, I, with

300 men, was spared and set at liberty. When all lay dead around, and the victory was completed, the Tyrolese, as if moved by one impulse, fell upon their knees, and poured forth the emotions of their hearts in prayer under the canopy of Heaven; a scene so awfully solemn, that it will ever be present to my remembrance. I joined in the devotion, and never in my life did I pray more fervently."

HERTFORD COLLEGE.

10. The late disturbances in the East India Company's College, at Hertford, originated, it is said, with those students who had once before proved refractory.

On Saturday night, the 21st ult. having been rusticated all the preceding day, two or three of them returning late, seized the watchman who was particularly obnoxious to them, and treated him very roughly. They afterwards summoned their adherents, who took their stand in the court-yard, calling out "No watch!" and keeping up a perpetual volley of stones, added to the firing of pistols and blunderbusses (which, however, since appear to have been only loaded with powder), set all opposition at defiance. Apprehensions were at length entertained that they intended to fire the building; in consequence of which the professors were induced to enter into a negotiation, which was speedily followed by a treaty on the following basis—that the rioters should be thenceforward exempt from corporal punishment; that their grievances should be redressed; and that the too vigilant watchman should be dismissed.

At the commencement of the disturbance, intelligence had been transmitted by express to the court

of directors, several of whom arriving when tranquillity was restored, three of the misguided young men, who had acted as ring-leaders, were brought to an examination before the college council, and finally expelled; the remainder, on expressing their contrition, were severely reprimanded, and suffered to pursue their studies.

REMARKABLE ELOPEMENT.

24. Miss Augusta Nicholson, the daughter of colonel Nicholson, a ward of chancery, with a fortune of 14,000*l.* eloped with Mr. Giles the comedian, from Tunbridge Wells. The family reside at Worcester; the colonel is, we understand, at the Isle of Wight; the young lady's mother is dead; the colonel is married to a second wife. Miss Nicholson has become entitled to a fortune of 14,000*l.* when of age, in consequence of the death of eight relatives since 1803. During the colonel's absence from home, miss Nicholson and her mother-in-law visited Tunbridge Wells, at which fashionable place the parties first became acquainted. Mr. G.'s first introduction to the lady was by an offer to carry some books for her from the library. On the following evening she went to the theatre, accompanied by her mother-in-law, and sat on the front seat of the stage-box; and while Mr. Giles was performing close to the box, miss Nicholson contrived to drop a letter to him unobserved, which he picked up unperceived by her mother-in-law. In that letter she acknowledged her attachment to him, and gave him encouragement to pay his addresses to her, and said that she would marry him. From that time a mutual intercourse and correspondence took place, in which the warmest affection

tion was expressed. This proceeding was communicated to miss N.'s mother-in-law, who, to prevent the intercourse proceeding further, confined her to the house. This regulation, however, had not the desired effect; for Mr. Giles contrived a plan of exchanging letters through the key-hole of the street-door; miss N. had a bed-room to herself, and got up every morning before five o'clock, and conversed with her lover out of the window. The correspondence continued about five weeks previous to the elopement. The elopement was effected by the following circumstances:—

Mr. Giles, destitute of the most needful article, money, for carrying on such an exploit, made Mr. Smith, a brother performer, his confidant; told him what he had been doing, and what he was about to do, and asked him to lend him a sum of money to enable him to run away with miss Nicholson. Mr. Smith entered into his views, and lent him 30*l.* being the whole of his stock. The two sons of the buskin having agreed upon their object, and having the consent and approbation of the lady, set off to walk from Tunbridge Wells to Seven Oaks, on the evening of the 24th; and, to avoid suspicion, they hired a chaise-and-four at a by-inn a few miles from Seven Oaks, and set off in it about three o'clock in the morning, and proceeded towards Tunbridge Wells. They stopped a short distance before they came to the town; Smith stopped in the chaise, and Giles went for the lady; and she, on the signal of love, flew to his embraces with only one change of clothes, in hopes never more to part; but disappointment has overtaken them.

Miss Nicholson's flight was soon

discovered after the family got up, and it was at length ascertained that she had eloped with Mr. Giles. On Thursday, the following day, her mother-in-law wrote to Messrs. Cardale and Son, solicitors, of Bedford-row, who are trustees to miss Nicholson. They employed Adkins and his brother to trace the fugitives out. The officers pursued their inquiries with all possible expedition and exertion. They traced the parties to have changed their horses at the White Hart inn, at Bromley, and from thence gradually to Westmorland-place, City-road, which is extremely well calculated for persons to conceal themselves. Adkins went with Mr. Cardale to the house of Mr. Steele: Adkins knocked at the door; a female answered it, and Adkins asked if Mr. Giles was within; she answered in the affirmative, and that he was at dinner. Adkins followed her in, and saw Mr. Giles: Adkins addressed him by his name, and he answered to it; but when Adkins told him his business, he told him he must be mistaken, and that he never was at Tunbridge Wells in his life; Adkins, however, persisted that he was the man, from the description of him that he had received, and that the young lady who was dining with him was miss Nicholson; the dispute about the identity of their persons was soon settled by Mr. Cardale, the solicitor and miss N.'s trustee, entering the room, and a frantic tragic scene took place. Miss Nicholson finding any attempt to conceal herself longer a folly, both lovers rushed into each other's arms, and swore attachment, beating their heads, and running about the room distracted; miss Nicholson agreed to go with them quietly, after much persuasion; but said she

she must go up stairs first. Adkins told her he must accompany her, to which she agreed; and one of the principal objects to take care of was her purse, which was not for the amount of the cash it contained, as we understand it only contained a dollar and a few shillings at the one end, but the other contained the jewel of all jewels to her, the wedding ring, which was to tie her to her dearly beloved Giles that morning at Marylebone church, they having been asked in the church two Sundays, and the third time was to have taken place on that day. But, alas! miss Hoyden is disappointed of being a married woman this time, especially as she has been so extremely anxious to get married to her dearest dearest Giles, that she has made him, since her elopement, swear several times upon the Bible, that he will never marry any woman but her.

On Monday last this affair came on in the court of chancery, when

Mr. Richards stated this to be an application on behalf of the guardians of miss Augusta Nicholson, a ward in chancery, for the committal of Mr. Giles, with whom the young lady had eloped from Tunbridge Wells. The young lady had been restored to her guardians by the diligence of Mr. Cardale, who acted as her solicitor. The learned counsel said he held in his hand an affidavit from a Mrs. Steele, of No. 37, Westmorland-place, City-road, which stated that the parties took lodgings at her house on the 25th of October last, where they were discovered; that miss Nicholson did not go out of the house above once while she was there; that she understood from the young lady that the banns had been published in Marylebone church, and also in an-

other, the name of which she had not heard. The learned counsel also moved for an order of commitment against a Mr. Smith, who had aided and abetted Giles in effecting this elopement. There was another question for his lordship to determine, namely, with whom the young lady should reside for the present, being thus restored to her guardians. He understood there was no reason to suppose that any improper intimacy had yet taken place between the parties; but Mrs. Nicholson, who was only the step-mother of the young lady, and had a daughter of her own by a former husband, for natural and obvious reasons declined taking miss Nicholson into her house at present. He had therefore to propose that she should reside under the care of her aunt. The lord chancellor signified his assent to this proposition.

Mr. Blythe appeared in behalf of Giles, and said that his client was very penitent for the offence he had committed against the authority of the court, and was ready to answer any questions which his lordship might put to him.

The lord chancellor did not think proper to put any questions to him, but he was ready to hear any thing that he had to produce by way of affidavit. According to the uniform practice of the court in such cases, it was his duty to order this person to stand committed. But as the solicitor for the guardians did not probably think this necessary at present, he was ordered to appear in court on Thursday next, when he might produce any affidavits in his own behalf he saw fit; as was the clergymen also of the different parishes where the banns were published, for there were some questions which

it would be proper to put to them. If he recollected right, the marriage act gave seven days to the clergyman to make inquiries with regard to the residence and situation in life of the persons who applied for publication of banns. He wished therefore to put some questions to them, and therefore the parties must appear in court on a future day.

On Thursday Mr. Richards again called the attention of his lordship to the case of miss Nicholson, a ward in chancery, who eloped with a comedian of the name of Giles. He recapitulated the circumstances which have been already mentioned, and recommended that the young lady should be placed under protection, as she had repeatedly declared her intention of running off, if she could get an opportunity.

Mr. Blythe, as counsel for Mr. Giles, stated that he had much to offer in extenuation of his conduct; but that he refrained, from considerations of delicacy to the family of the lady. He stated the contrition of Mr. Giles for what had passed, and his readiness to submit to any terms which it might be his lordship's pleasure to impose. As to the conduct of Mr. Smith, the brother-comedian, who had assisted in the elopement, and had lent money towards carrying it into execution, he had an affidavit from him, stating his utter ignorance at the time of the lady's being a ward in chancery.

The lord chancellor said, that he would defer his decision until tomorrow; but could not avoid now remarking upon the impropriety of the clergyman's conduct who had published the banns. He did not wish to impute any wilful impropriety to the gentleman who had

acted upon this occasion; but an error he was certainly guilty of. His lordship now deemed it necessary to lay down the law precisely for the guidance of those who might hereafter be concerned in such circumstance. He understood that clergymen frequently published banns, upon their being handed up to them after the first and second lesson. The law, however, allowed no such power. By an act of parliament for the regulation of marriages, the banns should be made known to the clergyman at least seven days before their publication, together with the Christian and surname of the parties, the parish in which they resided, together with their respective residences, and how long they had occupied them. It was the duty of the clergyman, after the first notice, to go to the house to which he was directed, and make inquiries there as to the correctness of the facts. If on such inquiry he was deceived, then he certainly was not to blame; but if he neglected to make such inquiry, he was subject not only to heavy ecclesiastical censures, but to punishments of another description.—Ignorance, on the part of the clergyman, would not avail him as an excuse. He cited the strictness of lord Thurlow in the case of doctor Markham, and recollected himself a cause, in which the absurd excuse of the officiating clergyman was very near subjecting him to a most severe prosecution. The clergyman said he had given the strictest orders to his curate; the clerk to his wife; and so they accounted, and thought to apologize, for the dereliction of their duty. His lordship advised a petition to be sent up in the course of the day from Mr. Giles. A petition was afterwards

afterwards presented to his lordship.

Mr. Smith has since been discharged; but nothing else has been done in the affair.

THE JUBILEE.

25. The happy event of a British monarch's entrance into the 50th year of his reign, an event which has occurred but twice before in the long and splendid history of this country, was celebrated by all ranks of people throughout every part of the united kingdom, in a manner worthy of an amiable, patriotic, and venerable king, and a loyal and enlightened nation. The day was one of the finest imaginable for the season, and favoured the public expressions of satisfaction in the highest degree. The celebration was announced in this great metropolis by the pealing of bells, the hoisting of flags, and the assembling of the various bodies of regular troops, and the different corps of volunteers, throughout the town. The forenoon was dedicated to public worship and the acknowledgement of the Divine Providence (exemplified in the protection of his majesty's person, and of the many national blessings almost exclusively enjoyed by the inhabitants of the united kingdom) in every parish-church and chapel: and we add, that among the various classes of dissenters of all persuasions, we have heard of no exception to the general loyalty and piety of the day. Indeed, we sincerely believe, that the blessings of toleration are too deeply felt, and the advantages of the British constitution too generally acknowledged, to give room for any material difference of opinion in any respectable portion of society. All

the shops were closed. The lord mayor and the whole civic body went in procession to St. Paul's; and it was truly gratifying, amidst the multitudes in the streets, of both sexes of every rank and description, to see the children of our innumerable charitable institutions walking to their respective places of divine worship. Piety and Charity must ever go hand in hand; and for this reason we are well pleased with the celebration of an event, which is the cause of general and national hospitality and benevolence. This is, in fact, the true nature, the best blessing, and the nearest resemblance to the origin and ancient practice of a Jubilee. The annals of no nation, we fondly believe, when the accounts reach us from different parts of the empire, will be found to have exhibited greater marks of the best virtues that enrich the human heart. The debtor has been set free; the hungry have been fed; and the naked, in many instances, have been clothed! In all such cases, vanity and fashion may have led some to acts of generosity; but we should not be over scrupulous in our inquiries into the motives of conferring general benefit, and producing happiness to thousands, though it be but for a day. We are satisfied, that to the general character of our countrymen and countrywomen, no such suspicion even attaches; and that the blessing of "him that has none to help him," will fall upon no small number. Such an union of piety and charity, while it is a comfort to ourselves individually, brings out, and makes a happy exposition to Europe and the world, of the national character of Britons; and thus combining moral and political good, is, we believe, in a word,

(M 4) "that

“that righteousness which exalteth a nation.”

At one, the Tower guns fired, and the guards assembled on the parade in St. James's park, and fired a *feu de joie* in honour of the event. After church hours, the streets were crowded with the population of the metropolis, in decent or in lively attire; every house pouring forth its inhabitants: the number of well-dressed persons, and the display of the genuine beauty of a great majority of the sex, who do not constantly shine at midnight dances and the public show, but whom this celebration brought into public view, exceeded any former example. Most of them wore ribbons of garter blue, and many had medals with the profile of the king.

The magnificent preparations for the evening were the general objects of notice, which the serenity of such a day as October does not often see gave them full opportunity of observing, while the volunteer corps, returning from their respective parades, enlivened the scene with a martial as well as a patriotic and a festive feature. As the evening approached, the corporation of London and various other bodies were hastening to the Mansion-house, and to their different halls, taverns, and other places of meeting, to celebrate in a more mirthful way the 50th year of the reign of a British king. At the Mansion-house the corporation sat down to a dinner provided by the chief magistrate of the city; the merchants and bankers met at Merchant-Tailors' Hall to the number of 400, Mr. Beeston Long in the chair, (where they were joined by the earls of Westmorland, Chatham, Bathurst, Camden, Liverpool, St. Vincent, lords Harrowby, Mulgrave, Erskine, the

Attorney- and Solicitor-general, sir T. B. Thompson, Mr. Rose, &c.); and many of the chief companies of London, at their halls; and numerous other parties, at various places of public or private entertainment.—Day-light was scarcely gone, when the full blaze burst forth upon the eye in all the skill of art, and in all the radiant splendour and varied magnificence of the general illumination of the British capital.—Hands could hardly be procured to light up the innumerable lamps; and therefore the illuminating of most of the public edifices commenced as early as two in the afternoon. All the other customary demonstrations of popular satisfaction were abundantly exhibited, with, perhaps, some little of the awkward, though, we trust, honest coarseness, with which the great body of the people express their homely but sincere participation of the festivities in which all were called upon to share and unite.

Our limits preclude us from entering into minute particulars. The following, among other public buildings, however, excited universal admiration: the Bank, Mansion-house, East India House, Lloyd's Coffee House, Royal Exchange, Admiralty, Trinity House, Post Office, Horse Guards, War Office, Somerset House, Ordnance Office, Opera House, the theatres, fire-offices, glass-warehouses, &c.

The jubilee was celebrated with every demonstration of joy at Windsor. Between eight and nine their majesties, princess Elizabeth, and the dukes of York and Sussex, attended divine service at the private chapel in the Castle. At half past ten her majesty and princess Elizabeth passed under the triumphal arch, towards Frogmore, to inspect the preparations. At one, the queen,

queen, princess Elizabeth, the dukes of York, Kent, Cumberland, and Sussex, attended by lady Ilchester, lord St. Helen, the mayor and corporation of Windsor, with white wands, and others, walked to the Bachelor's Acre, for the purpose of seeing the ox roasting whole. The bachelors lined the entrance to their Acre, and the corporation conducted the royal party to a booth fitted up for the occasion. From the booth they proceeded towards the ox, upon a temporary platform placed for the occasion; they proceeded to view the construction of the grates and walls for roasting the ox, which were so well contrived as to roast two whole sheep at the same time: they returned to the booth. The butchers employed in managing the cooking of the whole animals, dressed upon this occasion in blue frocks and silk stockings, cut the first prime pieces from the ox and sheep, and put them upon silver plates, and the bachelors and butchers waited upon the royal party with them. They all tasted, and appeared highly pleased with the novelty.—The prince of Wales and princess Charlotte of Wales arrived about half past 12.—At one, fifty pieces of cannon were discharged from the grove in Windsor park.—At night the queen gave a most superb *fête* at Frogmore, which in point of taste, splendour, and brilliancy has on no occasion been excelled. At half past nine the gates were thrown open for the nobility, gentry, and others having tickets of admission. On the entrance into the gardens, the spectator was struck with astonishment and delight at the charming and fanciful scene of variegated lamps of different figures and colours. The avenues and walks were hung with brilliant coloured lamps in the shape of watchmen's lanterns. The lawns adjoining to the house afforded a rich display of the choicest shrubs and plants, taken from the green-house. At ten the queen arrived; and after her majesty had joined the company, the fire-works began; at the conclusion of which there appeared on a sudden, and as it were by magic, on the beautiful piece of water opposite the garden front of the house, two triumphal cars, drawn by two sea-horses each, one occupied by Neptune, and preceded by the other with a band of music. The cars had a very superb appearance. On coming to the temporary bridge erected over the canal opposite the garden front, transparencies were displayed in an equally sudden and unexpected manner on the battlements, with the words "Rule, Britannia! Britannia, rule the waves!" inscribed on them. At the same moment the band struck up the tune. Opposite the bridge, an elegant Grecian temple was erected on a mount, surrounded by eight beautiful marble pillars. The interior of the temple was lined with purple; and in the centre was a large transparency of the Eye of Providence, fixed, as it were, upon a beautiful portrait of his majesty, surmounted by stars of lamps. From the temple a double staircase descended to the water's edge. On the windings of the staircase were erected nine altars with burning incense.—On the lawn twelve beautiful marquees were erected, where the company partook of tea and coffee during the fire-works. Covers were laid in the principal dining-rooms; and at 12 the company sat down to an elegant supper, consisting of all the delicacies of the season. The frames were beautifully done in emblematic figures, part of which represented Britannia kneeling

ing by the lion, the eye of Providence above, and underneath was written by her royal highness the princess Elizabeth, "Britannia, grateful to Providence, celebrates the 50th year of a reign sacred to piety and virtue."—Her majesty and the branches of the family present retired at half past one, when the company began to depart. Amongst the company present were, the earls of Uxbridge, Harcourt, Cardigan; lords St. Helen's and Walsingham, countesses of Cardigan and Harcourt, ladies Cranley, Bective, &c.

On this happy occasion, a proclamation was issued for pardoning all deserters from the fleet, whether they return to their duty or not; and another, pardoning all deserters from the land forces, provided they surrender in two months from the 25th.—The lords of the admiralty ordered an extra allowance of 4lbs. of beef, 3lbs. of flour, and a pound of raisins to every eight men in his majesty's ships in port, with one pint of wine, or half a pint of rum each man.—Eleven crown debtors were this day discharged from prison, in addition to above 100 liberated by the Society for the Relief of Persons imprisoned for Small Debts. The donations to this laudable society for the above charitable purpose have been most liberal. The city of London set the example by subscribing 1000*l*.

The following is a copy of the prayer of thanksgiving to Almighty God (appointed to be used on the 25th instant), for the protection afforded the king's majesty during a long and arduous reign:—

"O God, in whose hands are the issues of life and death, and to whom alone it belongeth to distribute mercies, as well in lengthening as in shortening the days of men; we yield thee praise and thanks-

giving for the protection thou hast vouchsafed to our gracious sovereign during a long and arduous reign. Continue, we pray thee, thy watchfulness over him: shield him from the open attacks of his enemies, and from hidden dangers—from the arrow that flieth by day; and from the pestilence that walketh in darkness; enlighten his councils for the public good: strengthen all his measures; and when it shall seem fit to thine unerring wisdom, perfect the ends of both, the restoration of peace and security to his people, of concord and independence to contending and bleeding nations. These blessings and mercies we implore for our sovereign, ourselves, our allies, and our enemies, through the merits and mediation of Jesus Christ, our Lord and Saviour.—Amen."

26. Tuesday morning, about two o'clock, a young lady in Milbank, Westminster, got out of her bed in her sleep, and went to the window, which was two stories high; having lifted up the sash, she fell into the area, where very fortunately there being a quantity of mortar, on which she fell, she did not receive any serious injury.

VILLACH.

27. The prince viceroy arrived here on the 25th. On his arrival he published the following proclamation:—

"To the people of the Tyrol.

"Tyroleans! Peace is concluded between his majesty the emperor of the French, king of Italy, protector of the confederation of the Rhine, my august father and sovereign, and his majesty the emperor of Austria.

"Peace, therefore, prevails every where except among you—you only do not enjoy its benefits.

"Listening

"Listening to perfidious suggestions, you have taken up arms against your laws, and have subverted them, and now you are gathering the bitter fruits of your rebellion; terror governs your cities: idleness and misery reign in you; discord is in the midst of you, and disorder every where prevails. His majesty the emperor and king, touched with your deplorable situation, and with the testimonies of repentance which several of you have conveyed to his throne, has expressly consented, in the treaty of peace, to pardon your errors and misconduct.

"I then bring you peace, since I bring you pardon. But I declare to you, that pardon is granted you only on condition that you return to your obedience and duty, that you voluntarily lay down your arms, and that you offer no resistance to my troops.

"Charged with the command of the armies which surround you, I come to receive your submission, or to compel you to submit.

"The army will be preceded by commissioners appointed by me to hear your complaints, and to do justice to the demands you may have to make.—But know that these commissioners can only listen to you when you have laid down your arms.

"Tyroleans! if your complaints and demands be well founded, I hereby promise that justice shall be done you.

"*Head-quarters, Villach, Oct. 26.*"

CORONER'S INQUEST.

30. An inquest was held at the Bull-and-Mouth inn, Bull-and-Mouth-street, before T. Sheldon, esq., on a view of the body of the rev. Mr. G. Glasse, late rector of Hanwell, who strangled himself in

his apartment at the inn the preceding night. After the jury had examined the body, which exhibited marks of strangulation, witnesses were called.

Sarah Horn said, she was chamber-maid at the Bull-and-Mouth. About five o'clock on Tuesday morning, she went to call the deceased, as she had been told by her fellow-servant that the gentleman was going at five o'clock by the Leeds coach. When the witness opened the door of his apartment, a candle was burning, and she saw the deceased lying on the floor with his clothes off, near the foot of the bed. Witness did not know that he was dead, but she felt alarmed at seeing him, and immediately called up Dowker the book-keeper, who found the deceased hanging to the bed-post.

Anne Horn, also a chamber-maid at the Bull-and-Mouth, deposed, that she was called about nine o'clock on Monday evening to attend the deceased. The witness found him sitting in the coffee-room near the fire. The deceased asked for a bed, and the witness told him he might sleep in a double-bedded room. He objected to sleeping in a room with two beds, unless he was allowed to sleep in the room by himself. He asked the witness at the same time whether she could inform him where he could buy a night-cap; the witness told him he might purchase one near the inn. The witness then lighted him up stairs to his room, and left him. About half an hour after this a gentleman came and inquired for the deceased, and the gentleman was shown to the room where the deceased slept. He was then in bed; the witness saw him stretch out his hand and shake hands with the gentleman, after which she left them together.

Twenty minutes after, the witness met the gentleman coming down stairs from the deceased, with a candle in his hand. The deceased had informed the witness that he was going by the Leeds coach at five in the morning, and begged she would call him in time. In consequence of this order she told her fellow-servant, Sarah Horn, to call him. The witness did not see the deceased after the gentleman left him.

Samuel Dowker said he was book-keeper at the Bull-and-Mouth. About a quarter before five o'clock on Tuesday, he was called by Sarah Horn, the chamber-maid, to go into the room where the deceased had been put to bed. On entering the room, he found the deceased lying on his belly at the foot of the bed. A napkin was tied round his neck, and his head was suspended from the bed-post, about half a yard from the floor. The deceased was cold and quite dead. The witness was without a knife in his pocket, and he called up one of the helpers belonging to the stable, who cut the napkin asunder which suspended the head of the deceased to the bed. The witness sent for a surgeon, but surgical assistance was of no avail. The deceased had not taken a place in the coach. He had mentioned to the witness before he went to bed, that he intended to go by the Liverpool coach. He afterwards said he would go by the Glasgow coach in the morning. The witness did not notice anything uncommon in the behaviour of the deceased when he made inquiry respecting the coach.

Mr. Star, a surgeon residing at Smithfield Bars, deposed, that he was sent for about five o'clock on Tuesday morning. He accordingly went to the Bull-and-Mouth, and

found the deceased lying on his belly. The deceased was quite dead: he had tied his white cambric handkerchief to a towel, and fastened the same with a noose round his neck, fixing the knot under his left ear. The witness examined the body, and he found every appearance of strangulation, therefore he was satisfied the deceased had been strangled. The witness had attended the bodies of several insane persons who had hanged themselves, and all those bodies exhibited the same appearance as the deceased. The witness conceived that the deceased, who was a corpulent man, had remained on his knees at the lower part of the bed, until he had suspended himself from the bed-post, when he fell, and that by his struggles had accelerated his death. The witness expressed his opinion that the deceased was insane.

The ostler, who had been called in to cut the napkin round the neck of the deceased, corroborated the evidence of Dowker. He also said he recollected having seen the deceased at Canterbury, and at Lord Darnley's, some time previous.

Wm. Loden, esq. solicitor, of Gray's-inn-square, deposed, that he conducted the affairs of the deceased. The witness saw him about eleven o'clock on Monday morning, at the house of Dr. Hume, in Lower Grosvenor-street. The deceased was then in a state of mental derangement, occasioned by the embarrassed state of his affairs. He was considered in so dangerous a state, that Dr. Hume and the witness thought it was dangerous to leave him by himself. He frequently put his hand up to his head, and exclaimed, "I must be cupped." He also told the witness he should like to go to Scotland until his affairs were settled. The witness said that

that the deceased might go to Scotland if Dr. Hume would give consent. The witness said Dr. H. would consent, and he appeared much more easy in his mind under the idea of going to Scotland. In the course of Monday morning the witness and Mr. Glasse went to Lincoln's Inn about business. Mr. Glasse then said, he would go off by the Glasgow coach, and appointed to meet the witness at the Bull-and-Mouth, after he had been to purchase some stationary and other articles in Bond-street. In the evening the witness called on Mr. G., advised him not to go to Scotland, and told him that he might remain concealed from the bailiffs in London. The witness then left him, as he appeared more calm and composed than he had been during the day. The witness had known Mr. Glasse 16 years, during which he had ruined a fine fortune. The witness had no doubt of his insanity. He had frequently exclaimed, Take me to prison! I have ruined my family! Oh my wife and children! with many other expressions, which left no doubt of the deranged state of his intellects. Mr. G. had been appointed chaplain to the lord mayor elect, and witness understood he had written a strange letter to a city officer, in which he said he was compelled to become an exile. The witness said he could relate a long history of Mr. G., but the jury said they were satisfied with the evidence, and the coroner did not wish to interrogate him further.

Another respectable solicitor, who had known the deceased, corroborated the evidence of Mr. Loden.

Clement, a clerk in the coach-office, also confirmed the testimony of Dowker with respect to the irre-

gular behaviour of the deceased when he made inquiry about the coach.

John Knapp, waiter at the Bull-and-Mouth, deposed, that the deceased appeared much agitated when he came into the coffee-room. His hands shook, and he rushed out, while he was taking refreshment, to speak to the clerk in the coach-office. The witness thought he was mad, and made an observation to that effect to one of his fellow-servants.

Under the above circumstances, the coroner left it to the jury to say whether the deceased was of sane mind when he destroyed himself.—The foreman of the jury, without hesitation, expressed his belief that the deceased had strangled himself in a state of insanity, and the other jurors immediately returned their verdict—Insanity.

Mr. Glasse was in possession (including the rectory of Hanwell) of upwards of 4000*l.* per annum. He was a gentleman of considerable natural and acquired talents. When introduced at the French court during the late short peace, Bonaparte pronounced him the most accomplished Englishman he had seen at Paris.

NOVEMBER.

GUILDHALL.

13. Johanna Flynn was brought before the magistrate, charged by Mr. Newman, the keeper of Newgate, with having been aiding and abetting a capital convict, named Sullivan, to make his escape from the gaol on Sunday last. The circumstances of the charge were as follow:—The prisoner Sullivan, and his accomplice named Fitzgerald, were capitally convicted at the Old Bailey sessions preceding the last, of a rape, and were under orders

orders for execution on Wednesday the 15th inst. The convicts were both Irishmen; and during the whole of Sunday their friends and acquaintance, from all quarters, crowded to visit the unfortunate men, in numbers, as Mr. Newman stated, scarcely credible, namely, from three to four hundred. Amongst a levee so numerous, the disposition could not be wanted in some of the visitants to contrive, if possible, the escape of one or both. On their trial, there was no want of hard swearing for that purpose; but failing in this, the forlorn hope of their friends rested on the success of the manœuvre concerted on Sunday. In the evening, a number of those persons, men and women, who had been with the prisoners all day, came in a body to the interior door of the jail, as if taking their last farewell of their friends, and were allowed to pass through to the next door, the keeper at which thought it necessary to be somewhat more circumspect, and suffer none to pass without being first informed whether the prisoners were all safe. Upon inquiry, it was found that Sullivan was missing. Another turnkey then came and examined all the persons waiting between the doors to get out, but could not at first discover the missing convict amongst them. On examining a second time, he laid his hand upon the arm of a person in woman's apparel, which was agitated by strong trepidation; and passing his hand down, felt something concealed under the petticoats, bulky and hard, which was found to be the irons of Sullivan, whom he instantly recognised, and who, being stripped of his disguise, was conveyed back to his cell. Some endeavours were then made to discover the person who furnished the

prisoner with the disguise; and strong suspicion fell upon Johanna Flynn, who was observed to come into the gaol with a bonnet, which she then had not. She was accordingly taken into custody, but positively denied the charge, and said the dress was furnished by another woman, whose name she did not know. There being no positive proof to establish the charge against her, she was accordingly discharged.

The new cut on the Union Canal from Leicester to Harborough (through Foxton) was opened this day. Upwards of 10,000 persons were present; and a sumptuous entertainment was given at the Angell inn in Harborough to about 1800 gentlemen interested in the concern. Thus have the Union Canal company, after a period of 15 years from its commencement, finished a work of great public utility. Very few canals, in the same distance, have had to encounter such difficulties in the course of the undertaking. Nearly 200 feet of lockage, a tunnel more than half a mile in length, two considerable aqueducts, other large embankments, a large reservoir, and several hundred yards of very deep cutting, have been completed.

14. Col. Hanson, who by a late sentence of the court of king's bench has been under confinement for a few months, was liberated on the 11th inst. his time being expired. Three days before his liberation he received a most affectionate mark of the respect borne him by the weavers of Manchester, and its vicinity, in the presentation of a golden cup and salver, for the purchase of which 39,600 persons contributed each one penny. The cup and salver were presented to him in the King's bench prison, by a deputation

deputation from Manchester, on the 8th inst.

The king v. Harper and others.

17. The nine defendants in these indictments, for riotously wounding and assaulting Ann Izzard, a reputed witch, at Great Paxton, Huntingdonshire, were brought up to receive judgement, and sentenced, the defendant Staughton to two months, and the other defendants to one month imprisonment in Huntingdon gaol, and to find security for their good behaviour for two years, themselves in 40*l.* and two securities in 20*l.* each. See p. (105,) vol. for 1808.

The king v. Wheeler and others.

22. The attorney-general moved for the judgement of the court on John Wheeler, Edmund Bradshaw, William Harley, William Darlington, Richard Ashley, James Zachary, Henry Drain, Samuel Haighton, and Thomas Vallance, who had suffered judgement to go against them by default on an information charging that they, with a great many others, to the number of 200 in the whole, did at Liverpool, on the 29th of November 1808, by force and arms assemble in a riotous manner at a place of rendezvous for seamen, in Liverpool, with intent to rescue an impressed seaman of the name of John Crossley. The defendants, it appeared, soon became sensible of their improper conduct, and presented a memorial to the lords of the admiralty, confessing their sorrow and contrition. They afterwards allowed judgement to go by default, and now filed affidavits, throwing themselves on the clemency of the court, being all journeymen ropemakers or labourers, who had families depending on their daily labour for support. The sentence of the court was, that each of the de-

fendants be imprisoned in the castle of Lancaster for the space of twelve calendar months.

24. T. Tomlinson, a private in the 6th carabineers, quartered in Leeds, put a period to his existence with a pistol. A coroner's inquest was held on the body, and a verdict returned of *felo de se*. The body was afterwards taken at midnight, and buried in a cross-road. The corpse had scarcely been committed to its ignominious grave, when some of his comrades, encouraged by the populace, jumped into the grave and took the body to the new burying-ground at the parish church, and buried it with military honours.

ROW-STREET.

Thomas Daly, a watchman belonging to the parish of St. Mary-le-Strand, in the district of the Savoy, was brought to the office, and underwent an examination before Mr. Read, charged with being concerned with another man, not yet taken, with robbing Carolina Wilcox, the wife of the boatswain's mate of his majesty's brig Beagle, of bank notes of 20*l.* and 10*l.* each, to the amount of about 200*l.* and 6*l.* in cash, nine valuable gowns, and other women's wearing apparel, by means of a deep laid scheme. The prosecutrix's husband was lately paid off in the Downs. He received three years pay and some prize money, which he gave her, in consequence of his being ordered to sea again, and desired her to return home to Ireland to her mother, who has the care of their two children. The money he gave her, together with a sum she received as a present from captain Newcomb, made up the above. Early on Saturday morning she left Deal by the stage, and arrived in the evening

ing at the Golden Cross, Charing Cross. She not knowing any person in England, took her place by the Liverpool coach, to proceed the following morning to Ireland. She slept at the inn, and was called in the morning at four o'clock, the coach starting at five. She got up when she was called, and was waiting for the coach starting, under the gateway in St. Martin's-lane; the ostler went to her, and told her the coach was nearly ready, and desired her to follow him; she did so a few yards, but, it being dark, lost sight of him; when the prisoner and another man accosted her, and said they were going by the coach she was, and as the coach would stop at three places before it got off the stones, which was very disagreeable, advised her to walk on with them till they got to the last place, which she was silly enough to agree to. They set off, and, as she supposed, along the Strand (the contrary road the coach goes). It has since been ascertained they went up Drury-lane, and stopped at the Black Boy public-house; the prisoner and his companion had three half pints of gin; the prosecutrix did not take any liquor, but got some milk of a woman at the door. After the prisoner and his companion had drunk their gin, they conducted her to the Cock public-house, in Dyot-street, St. Giles's, which they told her was the last place the coach called at, and they asked her to treat them with some liquor; which she agreed to. She put her bundle on the bar, in expectation of the coach coming up. The prisoner's companion took her bundle on his back, she supposing he was taking it to the coach. In a few minutes after, the prisoner told her the other man had run away with her bundle: this very much alarm-

ed her. The prisoner said he would run after him and bring him back; he then ran out of the house, but never returned. In this forlorn state, the prosecutrix was left in one of the most shocking and dangerous neighbourhoods in London, without being sensible of it, or knowing where she was, or a single person in England, and robbed of the whole of her property! This brought her into such a distracted state of mind, that is more easily conceived than described, which induced her to have recourse to the rash act of committing suicide. She took a penknife from her pocket, and cut her throat: however, a surgeon was procured, and it was discovered that the knife had not penetrated deep enough to endanger her life. The wound was sewed up, and she is in a fair way of doing well. She said, in justification of her rash act, that she might as well lose her life as her money and clothes. In this forlorn state, an honest sailor took compassion upon her, and took her to his apartments, where she fared as he and his wife did during Sunday, and they made up a bed for her. The sailor, after making many fruitless inquiries, conducted her to the above office. Treadway traced out the two public-houses where they stopped at, and learned, at the Cock public-house, in Dyot-street, that one of the men's names was Daly, and that he was a watchman, and at length discovered him to belong to St. Mary-le-Strand, and apprehended him on Monday night, on his beat, in Fountain-court, in the Strand. The prisoner underwent an examination, when he acknowledged being one of the men who was with the prosecutrix, but denied knowing who the other man was, or where he was to be found. He was committed for further

further examination. This case excited so much compassion with the gentlemen in the office, that they made a liberal subscription for her; Mr. Read also ordered her property to be advertised at the expense of the office. Several subscriptions have been since sent to the office.

LONDON GAZETTE EXTRAORDINARY.

Admiralty-office, Nov. 29.

The hon. lieut. W. Waldegrave, of the *Ville de Paris*, arrived here this morning with the following dispatches from lord Collingwood, commander in chief in the Mediterranean.

Ville de Paris, off St. Sebastian, Oct. 30.

Sir, By my letter of the 16th of September, their lordships would be informed of the intelligence I had received relative to the intended movements of the French squadron, and of my reasons for changing my station to St. Sebastian. While on this station, on the night of the 22d inst. the *Pomone* joined, and captain Barrie (who with indefatigable perseverance had, with the *Alceste*, watched the port of Toulon) informed me that the day before several of the enemy's squadron had put to sea, that others were coming out when he left them, and that there was every appearance of the whole fleet being on the move from the harbour. They had a numerous convoy with them; and as this movement was made with the first of an easterly wind, there was little doubt of their being bound to the westward. I immediately made the necessary signals for the squadron to be prepared for their recep-

tion, and placed the three frigates and sloop (*Pomone*, *Hydra*, *Volontaire*, and *Minstrel*) to windward, to give notice of the enemy's approach. On the following morning (the 23d), soon after eight o'clock, the *Volontaire* made the signal for a fleet to the eastward: while they continued to come down before the wind, no alteration was made in the squadron, except by advancing two fast-sailing ships, the *Tigre* and *Bulwark*. At ten, the *Pomone* made the signal that the enemy had hauled to the wind; and the convoy separating from the ships of war, (which were now discovered to consist of three ships of-the-line only, two frigates, two smaller frigates or store-ships, and a convoy of about 20 sail of vessels,) I ordered rear-adm. Martin to chase them, and eight of the best-sailing ships, which, standing on contrary tacks, might take advantage of the changes of the wind, which was then variable. At two *p. m.* the *Pomone*, having got far to windward, was directed by signal to destroy such of the convoy as could be come up with; and in the evening she burnt two brigs, two bombards, and a ketch. The enemy before dark was out of sight, and the ships chasing, not much advanced, were standing to the northward, while the squadron with me stretched to the southward. The next morning neither the French nor our own chasing ships were in sight. This morning rear-adm. Martin joined with his division, as named in the margin*, having again fallen-in with the enemy, on the 24th, off the entrance of the Rhone, and on the 25th they chased them on shore; the *Robust*,

* *Canopus*, *Renown*, *Tigre*, *Sultan*, *Leviathan*, and *Cumberland*.

of 84 guns, bearing the flag of rear-adm. Boudain, and the *Leon* of 74, off Frontignan; where the day following themselves set fire to them. The *Borée* of 74 guns, and a frigate, ran on shore at the entrance of the port of Cette, where there is little probability of either of them being saved. I cannot sufficiently express the high satisfaction I have felt at the intrepid perseverance of rear-adm. Martin, and of the captains of the ships who were with him in the pursuit. Nothing less ardent, or less skilful, would have produced a result so fortunate, where the coast near the Rhone is exceedingly shoal and dangerous, so that some of the ships were in five and six fathom water, the weather thick, and the south-east wind blowing strong. I enclose to you, sir, rear-admiral Martin's letter; and beg to congratulate their lordships on three great ships of the enemy being thus destroyed, without the smallest resistance on their part, or a shot being fired by the British ships, except a few by the *Tigre* at the *Borée* when she was pushing ashore at Cette. Of their two frigates, the *Pomone* and *Pauline*, one hauled her wind some time in the night, and fetched into Marseilles road. The other part of the French squadron are found to remain in Toulon by the ships which have since examined that port.

COLLINGWOOD.

Canopus, at sea, Oct. 27.

My lord, In obedience to the signal for the *Canopus* to chase E. N. E. I stood that way the whole of the night of the 23d, and the following day, in company with the *Renown*, *Tigre*, *Sultan*, *Leviathan*, and *Cumberland*. In the evening four sail were seen, to which we immediately gave chase, and pur-

sued them till after dark; when, from shoal water, and the wind being direct on the shore, near the entrance of the Rhone, it became necessary to keep to the wind during the night. The following morning (the 25th) the same ships were again seen, and chased between Cette and Frontignan, where they ran on shore; two of them (an 80-gun ship, bearing a rear-admiral's flag, and a 74) at the latter place, and one ship of the line and a frigate at the former. From the shoal water and intricacy of the navigation, it was impossible to get close to the enemy's two line-of-battle ships near Frontignan, to attack them when on shore; for, in attempting to do so, one of his majesty's ships was under five fathoms water, and another in less than six. On the 26th I sent the boats to sound, meaning if possible to buoy the channel (if any had been found), by which the enemy's ships could be attacked; but at night we had the satisfaction to see them set on fire. From the circumstances under which the ship and frigate ran on shore at the entrance of the port of Cette, I have little doubt the former will be lost, and the frigate must certainly have received considerable damage; but they cannot be got at on account of the batteries. Your lordship must be well aware that nothing but the great press of sail carried by his majesty's ships, and the good lookout kept, could have enabled them to close with those of the enemy, from the distance they were at the time they commenced the chase.

G. MARTIN.

Vice-admiral lord Collingwood.

Ville de Paris, off Rosas, Nov. 1.

Sir, When the enemy's convoy was

was chased on the 23d ult. their transports separated from the ships of war, and under the protection of an armed store-ship, two bombards, and a zebeck, made for the Bay of Rosas. When the ships of war were disposed of as related in my letter of yesterday, the convoy became the object of my attention; and on the 29th the Apollo was sent off Rosas to examine what vessels were there, and how far they were in a situation assailable. The next day I appointed the ships as per margin* for this service, under the orders of capt. Hallowell, to bring them out if the wind was favourable, or otherwise to destroy them. The state of the wind and sea would not permit this operation until last night, when after dark the ships bore up for the bay, and anchored about five miles from the castle of Rosas, under the protection of which castle, of Trinity Fort, and of several newly-erected batteries, the convoy, consisting of 11 vessels, five of them armed as per accompanying list, were moored. The boats being arranged in separate divisions, the whole were put under the orders of lieut. Tailour, first-lieutenant of the Tigre, and proceeded to the attack of the enemy, who, although he could have had no previous intimation of such an enterprise against him, was found vigilant, and completely on his guard. The ship, which was a smaller sort of frigate, was inclosed in boarding nettings, and a gun-boat advanced ahead of her for the look-out: on being hailed, and the alarm-gun fired, our boats stretched out, the crews at the highest pitch of animation, filling

the air with their cheers. Each division took the part previously allotted to it. The armed ship was boarded at all points, and carried in a few minutes, notwithstanding a spirited and sturdy resistance which the enemy made. All their armed vessels were well defended; but the British seamen and marines, determined to subdue them, were not to be repelled, even by a force found to be double that which was expected; and besides the opposition made by the vessels, the guns from the castle, the forts in the bay, the gun-boats, and musketry from the beach, kept a constant fire on them. On the opening of day every ship or vessel was either burnt or brought off, aided by the light winds which then came from the land; and the whole of the convoy that came from Toulon for the supply of the French army in Spain has been destroyed, with the exception of the frigate which escaped to Marseilles, and one store-ship not since heard of. I cannot conclude this narrative without an expression of the sentiment which the execution of this bold enterprise has inspired me with, and the respect and admiration I feel for those who performed it. In the first place, success greatly depended on the previous arrangement which was made by capt. Hallowell, with a judgement and foresight that distinguishes that officer in every service he is employed on; the division of the boats, the preparation of fire materials, and providing them with every implement that contingency could require, established confidence throughout the whole; and in this he was ably assisted by the experi-

* Tigre, Cumberland, Volontaire, Apollo, Topaze, Philomel, Scout, and Tuscan.

ence and zeal of captains Wodehouse, Bullen, Taylor, and Hope. The brigs were under sail, as near the vessels attacked as the light winds would allow; and captain Hallowell speaks in high terms of praise of the conduct of their commanders, Crawly, Raitt, and Wilson. The first lieutenant Tailour led to the assault in a most gallant manner, and was followed by the other officers, as if each was ambitious of his place, and desired to be first: the whole party bravely maintained the character which British seamen have established for themselves. I am sorry I have to add, that the loss has been considerable, of which I enclose a list. Lieut. Tait, of the *Volontaire*, an excellent and brave young officer, and Mr. Caldwell, master's mate of the *Tigre*, a youth of great promise, were the only officers slain. Many officers in the fleet were desirous of being volunteers in this service. I could not resist the earnest request of lieuts. lords viscount Balgonie, the hon. J. A. Maude, and the hon. W. Waldegrave of the *Ville de Paris*, to have the command of boats, in which they displayed that spirit which is inherent in them. COLLINGWOOD.

P. S. I have charged lieut. Waldegrave, of the *Ville de Paris*, with the delivery of my dispatches; an officer of great merit, and who commanded one of the boats employed on this service.

Tigre, off Cape St. Sebastian, Nov. 1.

My lord, In obedience to your lordship's order of the 30th ult. I proceeded to the Bay of Rosas with the ships and sloops named in the margin, where, finding it impracticable to attack the enemy's

convoy while under weigh (the wind being at S. E. and a heavy swell), I anchored the ships of the squadron yesterday evening after dark, about five miles off the town of Rosas, and detached all the boats under the command of lieut. Tailour, first of the *Tigre*, to destroy them: the spirited manner in which he led them on to the attack, commanded the admiration of every one present; and the gallant manner in which he was supported, reflects the highest honour on every person employed on this service. I have the honour to enclose a list of vessels captured and destroyed on this occasion; and when your lordship is informed that the enemy was aware of our intention to attack him, and had taken the precaution of fixing boarding nettings, and placing a launch, with a gun in it, in advance, to give him notice of our approach, and that the vessels were also defended by the very strong batteries on shore, I trust your lordship will consider it equal in gallantry and judgement to any exploit that has occurred under your lordship's command. Our loss has been severe; and among the list of killed I have to lament the loss of lieut. Tait of the *Volontaire*, of whom capt. Bullen speaks in high terms, as an officer who has distinguished himself upon many occasions; and Mr. Caldwell, master's mate of the *Tigre*: the latter has left a widowed mother in distressed circumstances, who looked to him for comfort and support. Among the wounded are lieut. Tailour of the *Tigre*, and lieut. Forster of the *Apollo*, severely. The brigs were directed to keep under weigh, and were in an admirable situation at day-light to have given assistance, had it been necessary. I have the honour also

to enclose a list of the officers employed on this service; and I have only to state that their conduct, and that of the seamen and marines under their command, was such as to exceed any encomium from my pen, and entitles them to my warmest thanks and approbation.

I am, &c.

B. HALLOWELL.

DECEMBER.

Admiralty-office, Dec. 5.

Letter from lord Collingwood to the hon. W. W. Pole, dated Ville de Paris, off St. Sebastian, the 30th of October.

Sir—My letter of the 4th August informed their lordships of the proposal I had made to sir J. Stuart, that the islands of Zante, Cephalonia, &c. should be seized on, before the French could turn their regard from the defence of Naples to strengthen other points, and in which letter I inclosed you a copy of the instructions I had sent to admiral Martin, to be delivered to capt. Spranger, of the *Warrior*, whom I had selected to command the naval part of the expedition. The change which at that time had taken place in the state of the armies of the North, required the general's consideration, whether an adequate force might be spared from the army; and delayed their departure from Sicily until the 23d September, when the *Warrior* sailed from Messina, with the *Philomel* sloop and transports, carrying about 1600 troops, under the command of gen. Oswald. The *Spartan* at the same time sailed for Malta, with Mr. Foresti and count Cladan, a Cephalonian gentleman, who had for some time taken refuge at Malta, and whose influence in the country

I hoped would be advantageous to the service. Orders were also sent to captain Eyre, of the *Magnificent*, to join them with the *Corfu* squadron.—I have great satisfaction in informing you of the success of the expedition, and that the French garrisons in Zante, Cephalonia, Ithaca, and Cerigo, have, after a faint resistance, surrendered to his majesty's arms, the people liberated from the oppression of the French, and the government of the Sept-Insular republic declared to be restored.—As no preparation for so unexpected a change could have been made by the inhabitants, it has been found convenient by the officers and principal people who are now to assume the government, that the British flag, with that of the republic, shall be continued to fly until the several departments are filled, and regularity is established.—The influence of Mr. Foresti, and the estimation in which his character is held by the people, much facilitated the operations. I have written to him to resume his functions of British resident.—At Cerigo the greatest resistance was made; but capt. Brenton's skill and resources are such as would surmount much greater difficulties than they could present.

I have, &c.

COLLINGWOOD.

Mr. Kempe v. the rev. Mr. Wicks, in the Court of Arches.

11. This cause was instituted by Mr. Kempe, a gentleman of Calvinistical independence, (the real doctrine, in fact, of the church of England,) against the rev. Mr. Wicks, rector of a parish in Somersetshire, for refusing to bury a child belonging to two parishioners, on the ground of the child having been baptized by a dissent-

ing minister. It was contended, on the part of the rev. Mr. Wicks, that the administering of this sacrament must be performed by a lawful minister of the established church of England, otherwise such baptism was to be considered as null and void, both by the ancient and modern rubrics, canon law, and various other authorities, quoted by the learned civilians on the subject.—Sir John Nicholl, after hearing the counsel on behalf of the promoter of the suit, was of opinion (after entering at considerable length into the various authorities upon the point in question), that the rev. Mr. Wicks had mistaken the law, and that it was his duty to have performed the ceremony; at the same time recommending, as this suit was not brought by Mr. Kempe through any vindictive spirit, but only for the purpose of determining the right, and settling the question at rest, that he would be satisfied with correcting the error, and establishing the right, without proceeding any further in the cause.

COVENT-GARDEN THEATRE.

12. We have already noticed the structure and opening of the new theatre, Covent Garden; and having referred to a succeeding article, we may, in this place, observe that a spirit of opposition had for many months been excited by some of the more respectable daily and weekly papers, against the new prices which it was avowedly intended to lay on the public for their usual amusement. The moment the curtain was drawn up, in the evening of the 18th of September, the cry of "OLD PRICES" seemed to issue from every part of the house. The shout was not like a sudden peal of thunder which soon spends its rage. Si-

lence could not be obtained the whole evening, nor could the voice of a single actor be heard throughout the performance. The same conduct, only increasing in violence, was pursued night after night till the 23d, when the managers perceived that the opposition was gaining ground, and that in aid of the lungs, the feet and the hands, catcalls, accompanied by rattles, trumpets, whistles, &c. were brought into the theatre, and used to drown the voices of the actors, and that placards were circulated through the house, and displayed from sticks in way of standards. They therefore determined to shut up the house for a few nights. Mr. Kemble came forward in the course of the evening; and having with great difficulty obtained a hearing, he said that the proprietors were most anxiously inclined to do every thing in their power to meet the public inclination, and to allay any ferment which might have been created. They were, therefore, willing that a committee of gentlemen should be appointed to inspect the state of the concern, and from the profits thence derived, to say whether the old or the new prices were the most fit and reasonable. He also stated, that it was the intention of the proprietors that till the report of these gentlemen could be received, the theatre should continue shut.

The committee appointed by the proprietors consisted of men of business, and of gentlemen of the first respectability in life; among them were Sir Charles Price, the Solicitor General, the Recorder of London, the Governor of the Bank, and Mr. Angerstein. The report made by these gentlemen stated, that the rate of profit for the

the last six years was only $6\frac{3}{8}$ per cent. per ann. on the capital advanced. That the future profits of the new theatre, at the proposed advance in the prices of admission, will amount to only $3\frac{1}{2}$ per cent. per ann. upon the capital expended in the theatre, if the same be insured; and that upon the same supposition of insurance, at the former prices of admission, the proprietors will annually sustain a loss of $\frac{3}{4}$ per cent. on their capital. This report was unsatisfactory to a great part of the audience, who did not seem to give credit to the facts stated; the riots were instantly renewed; and we may add, that scarcely was ever such a scene of confusion witnessed in any civilized country. Plays were announced and regularly performed; but whether the words of the piece were repeated by the actor, or whether the whole was an exhibition of dumb show, could not be ascertained for the incessant shouts, roaring, and other noises which the audience, or rather the spectators, excited. Night after night, and week after week, was this disgraceful scene repeated. The managers were determined to pursue their course, thinking that the people would scarcely continue long to pay the price of entrance, and yet abandon the amusement for which they paid their money. They were disappointed, and resistance was continued uniformly, and without any abatement, for several weeks. At first the public voice, at least of those who did not join in the tumult, was decidedly with the managers; but when these had recourse to means the most hostile to humanity for their support, the public current set in against them:—when men of the most ferocious characters were planted in all parts

of the house to overwhelm, with bludgeons and other destructive weapons, an irritated and defenceless populace, the proprietors became objects of general indignation. With those who were guilty, many innocent persons were taken up and imprisoned, some even without those forms which the laws of the land in all cases require; many were seriously maimed who had not the smallest concern in exciting the nightly disturbances; and some, even females, were treated with a brutality which reflected the greatest disgrace on those who authorized them. Bills of indictment in abundance were presented on one side, and, on the other, actions were entered by persons who thought themselves aggrieved, either by false imprisonment, or by illegal and injurious treatment. The grand jury threw out almost all the bills presented against those charged with being active in the riots; and in the mean time the box-keeper was cast in an action, and a verdict with damages given against him for an assault. The managers had indicted Mr. Clifford and others for a conspiracy; but when a verdict was obtained, against their own servant, who had acted his part with marked violence, and the most bitter malevolence, they undoubtedly began to be apprehensive that their indictment would redound to their own discomfiture and disgrace, and were anxious for an opportunity of accommodating matters. A dinner was held at the Crown and Anchor tavern in the Strand, to celebrate the victory gained by Mr. Clifford over the box-keeper, and to devise, probably, the means of resisting the managers, and of defraying the expenses which would be necessarily incurred in defending the

persons indicted. To this meeting, after dinner, Mr. Kemble craved an admission, and terms of peace were digested and settled. It was agreed that the price of the *pit* should be restored to its former state: and that the new price for the boxes should be continued: that after the present season the private boxes should be laid open: that all prosecutions, on both sides, should be given up; and that the managers should express publicly in the theatre their regret at the events which had so long (between two and three months) disturbed the public harmony. The terms were ratified in the play-house, excepting only, that the box-keeper was marked with public execration, and it was agreed that he should withdraw. At length, by means of a supplicatory letter, he was again restored to his office, and every thing has since gone on in the usual routine.

13. It now appears that Caroline Wilcox, whose case excited so much commiseration when examined at Bow-street respecting the robbery of her bundle, is an artful impostor. According to the account given by captain Dolling, late of the *Beagle* (not capt. Newcomb, now of that ship, as she asserted), a person answering her description came on board the *Beagle*, at Sheerness, the latter end of September, and lived for about six weeks with a seaman of the name of Magnus Henderson. She was put on shore at Deal, when the ship was ordered to sea, and Magnus Henderson then gave her, as he thinks, about five pounds. She has a sore on one of her legs, which she endeavoured to make the public believe was the consequence of a wound she received in the late expedition to the Scheldt, where

she never was in her life. The magistrates at Bow-street have given notice, that the money extorted from the feelings of the humane public, by her misrepresentations, will be offered to the donors by applying at the public office.

Daly, who was charged with the robbery (see Nov. 24), was tried, and convicted on circumstantial evidence; but by the exertions and activity of some worthy persons, particularly Mr. Joshua Joyce, Essex-street, Strand, and by the candid attention of the common serjeant, and one of the judges, his innocence was proved so satisfactorily that he received his majesty's free pardon.

14. A cask of wine was floated on shore on the coast of the manor of Holderness. The coast bailiff, and some custom-house officers, on learning of the stranger's arrival, went immediately to pay a complimentary visit; the officers laid hold of one end of the cask, and said, "This belongs to the king;" the bailiff laid hold of the other, and said it belonged to the lord of the manor. Say the officers, "It is smuggled, it has not paid the *port* duty:" said the bailiff, "I think it is *Madeira*." The officers smiled at the honest man's blunder, and explained, they meant the duty on wine *imported*: says the bailiff, "It has been in no port, it has come by itself on the beach." Both parties remained inflexible; and the officers having, after grave consultation, determined, that the bailiff could not drink the cask of wine whilst they went to their Custom-house, at a short distance, for advice, proposed the wine should be put into a small hut; but the bailiff thinking it safer within the lord's immediate jurisdiction, in the mean time removed it to the cellar

cellar of the baronial chateau. The officers returned on this: "Oh, ho!" said they, "now we have you; the wine is ours to all intents and purposes, as it *has been removed without a permit*." Says the bailiff, "If I had not removed the wine without a permit, the sea would the next tide."—"Then," said the officers, "the sea would have been put into the court of exchequer." The bailiff shut the great hall-door in their faces.

The lord was exchequered; that is, the attorney-general filed his information against him; lawyers learned were engaged on both sides: the crown lawyers said the officers were certainly right; the lord's lawyers said *he* certainly was.

The cause came on at the York assizes; and the noise it made was as much as the contested election there. All the wine-bibbing lords of manors in that and the adjoining counties were present, and the court was consequently much crowded. A special verdict was found, which left the question for the determination of the court of exchequer.

It came on to be argued. Sir Roger de Coverley's dictum, "that a great deal may be said on both sides," was demonstrated to the fullest extent, by the long-robed and worthy combatants engaged by the crown and the lord of the manor.

The court took time to deliberate; and on the last day of last term pronounced judgement, that it was a case which the act requiring permits for the removal of wine did not embrace, the act only alluding to wine which had paid duty; that from the case in Vaughan, it was clear, that wine to be liable to duty must be imported; that wine, as Vaughan said, could not be im-

ported by itself, but must be by the agency of some one else; and that it was in that case determined that wine wrecked could not be subject to a duty. The lord keeps the wine, and will have to pay an enormous bill of costs for the defence of his rights, as in informations by the attorney-general, though the verdict is with the defendant, he does not get his costs.

14. The following are the resolutions voted at the common-hall:—

Resolved unanimously, That the enormous waste of treasure, and unprofitable loss of lives, in the late military enterprises in which his majesty's forces have been unfortunately employed, have excited mingled feelings of compassion, disappointment, indignation, and alarm, among all classes of his majesty's subjects.

Resolved, That the whole military strength and resources of this kingdom have been drawn forth to an extent unparalleled in its history, and have been most improvidently applied, and fatally consumed, in unconnected and abortive enterprises, attended with no permanent advantage to Great Britain, without effectual relief to her allies, and distinguished only by the unprofitable valour displayed, and immense sacrifice of blood and treasure.

Resolved unanimously, That during these unprecedented failures and calamities, our misfortunes have been highly aggravated by the imbecility and distraction in the cabinet, where it appears his majesty's confidential servants have been engaged in the most despicable intrigues and cabals, endeavouring to deceive and supplant each other, to the great neglect of their public duty, and scandal of the government.

Resolved

Resolved unanimously, That we are of opinion, that in the present arduous struggle, in which we are engaged, the safety of the British empire can alone be preserved by wise and honest councils to direct the public force; and that such councils can alone be upheld by the energies of a free and united people.

Resolved unanimously, That such calamitous events imperiously call for a rigid and impartial inquiry; and that an humble address be presented to his majesty, praying his majesty to institute such inquiry.

16. The following is a correct statement of the East India ships lost, missing, and taken, from the commencement of the present year to this day: Missing, supposed to be lost, the *Experiment*, *Glory*, *Lord Nelson*, *Jane Duchess of Gordon*, *Lady Jane Dundas*, *Bengal*, and *Calcutta*; *Britannia* and *Lord Gardner* lost on the *Goodwin Sands*; *Walpole*, lost off *Margate*; *Skelton Castle*, lost near *Bengal river*; *Travers*, struck on a rock, and was lost, in *India*; *Streatham* and *Europe*, taken by the French in the *Bay of Bengal*; and *Asia*, lost in *Bengal river*.

OXFORD ELECTION.

The election of chancellor of the University of Oxford concluded at ten o'clock on Thursday night, after the most severe contest ever experienced there. The numbers were as follow:—

For Lord Grenville 406

Lord Eldon 390

Duke of Beaufort .. 288

Lord Grenville was therefore declared duly elected, by a majority of 16 over lord Eldon, and of 118 over the duke of Beaufort.

This election was more warmly

contested than any former one recollected in Oxford. So great a number of votes were never before offered. The number that voted amounted to 1084, and the whole that have a right to vote amount only to 1274. There remained therefore only 190 persons who did not vote on this occasion. All the bishops who have a vote for the election of chancellor in this University, it is understood, voted for lord Grenville, except two, who, it is reported, voted for lord Eldon.

Paris, December 17.

BONAPARTE DIVORCED FROM HIS EMPRESS.

By desire of his majesty the emperor, all the members of the senate assembled yesterday, at eleven o'clock in the morning, in full dress, in the hall of their usual sittings. The sitting of the senate yesterday, at which the kings of Westphalia and Naples, Grand Admiral, the Prince Viceroy of Italy, the Arch-Chancellor of State, the Prince Vice-Grand Constable, and the Prince Vice-Grand Elector assisted, and at which the Prince Arch-Chancellor of the Empire presided, will form, on account of the importance of the subjects which were discussed, an epoch in the annals of France. On that day was presented to the senators a project of a senatus consultum, respecting a dissolution of the marriage between the emperor Napoleon and the empress Josephine. The dissolution of the marriage, required by the two high parties, and approved of by a family council, at which all the princes and princesses of the imperial family, at present in Paris, assisted, received the same day the assent of the senate, after having been the object of examination of a special commission

commission named for this purpose. After having read the contents of the imperial decree, which enacts the convocation of the senate, and of that which directs that it shall be presided by the prince arch-chancellor, and that the princes of the imperial family hereafter named should be present in the senate, the official journal gives an account of this memorable sitting in the following terms:—

“The conservative senate, assembled to the number of members prescribed by article 90th of the act of the constitution, and dated the 13th December, 1799, having seen the act drawn up, the 15th of the present month, by the prince arch-chancellor of the empire, of which the following is the substance:—

‘In the year 1809, and the 15th day of December, at nine o’clock in the evening, we Jean Jaques Regis Cambaceres, prince arch-chancellor of the empire, duke of Parma, exercising the functions prescribed to us by title the 2d of the 14th article of the statute of the imperial family, and in consequence of orders addressed to us by his majesty the emperor and king, in his private letter dated that day, of the following tenor:—

‘My cousin, our desire is that you repair this day, at nine o’clock in the evening, to our grand cabinet of the palace of the Thuilleries, attended by the civil secretary of state of our imperial family, to receive from us, and from the empress, our dear consort, a communication of great importance; for this purpose we have ordered that this present private letter should be sent you. We pray God to have you, my cousin, in his holy, blessed keeping.

‘Paris, Dec. 15, 1809.’

“On the back is written—‘To our cousin, the prince arch-chancellor, duke of Parma.’

“We accordingly proceeded to the hall of the throne of the palace of the Thuilleries, attended by Michel-Louis-Etienne Regnault (de St. Jean d’Angely), count of the empire, minister of state, and secretary of state to the imperial family. A quarter of an hour afterwards, we were introduced to the grand cabinet of the emperor, where we found his majesty the emperor and king with her majesty the empress, attended by their majesties the kings of Holland, Westphalia, and Naples, his imperial highness the prince viceroy, the queens of Holland, Westphalia, Naples, and Spain, Madame, and her imperial highness the princess Paulina. His majesty the emperor and king condescended to address us in these terms:—

‘My cousin, prince arch-chancellor, I dispatched to you a private letter, dated this day, to direct you to repair to my cabinet for the purpose of communicating to you the resolution which I and the empress, my dearest consort, have taken. It gives me pleasure, that the kings, queens, and princesses, my brothers and sisters, my brothers and sisters-in-law, my daughter-in-law, and my son-in-law become my adopted son, as well as my mother, should witness what I am going to communicate to you.

‘The politics of my monarchy, the interest and the wants of my people, which have constantly guided all my actions, require, that after me, I should leave to children, inheritors of my love for my people, that throne on which Providence has placed me. Notwithstanding, for several years past I have

have lost the hope of having children by my marriage with my well-beloved consort, the empress Josephine. This it is which induces me to sacrifice the sweetest affections of my heart, to attend to nothing but the good of the state, and to wish the dissolution of my marriage. Arrived at the age of forty years, I may indulge the hope of living long enough to educate, in my views and sentiments, the children which it may please Providence to give me: God knows how much such a resolution has cost my heart; but there is no sacrifice beyond my courage, that I will not make, when it is proved to me to be necessary to the welfare of France. I should add, that far from ever having had reason to complain, on the contrary, I have had only to be satisfied with the attachment and the affection of my well-beloved consort. She has adorned 15 years of my life, the remembrance of which will ever remain engraven on my heart. She was crowned by my hand. I wish she should preserve the rank and title of empress, but, above all, that she should never doubt my sentiments, and that she should ever regard me as her best and dearest friend.'

'His majesty the emperor and king having ended, her majesty the empress and queen spoke as follows:

'By the permission of our dear and august consort, I ought to declare, that not preserving any hope of having children, which may fulfil the wants of his policy and the interests of France, I am pleased to give him the greatest proof of attachment and devotion which has ever been given on earth. I possess all from his bounty, it was his hand which crowned me; and

from the height of this throne I have received nothing but proofs of affection and love from the French people.

'I think I prove myself grateful in consenting to the dissolution of a marriage which heretofore was an obstacle to the welfare of France, which deprived it of the happiness of being one day governed by the descendants of a great man, evidently raised up by Providence to efface the evils of a terrible revolution, and to re-establish the altar, the throne, and social order. But the dissolution of my marriage will in no degree change the sentiments of my heart. The emperor will ever have in me his best friend. I know how much this act, demanded by policy and by interests so great, has chilled his heart; but both of us exult in the sacrifice which we make for the good of the country.'

'After which their imperial majesties having demanded an act of their respective declarations, as well as of the mutual consent contained in them; and which their majesties gave to the dissolution of their marriage, as also of the power which their majesties conferred on us to follow up as need shall require the effect of their will, we prince arch-chancellor of the empire, in obedience to the orders and requisitions of their majesties, have given the aforesaid acts, and have in consequence executed the present procès verbal, to serve and avail according to law, to which procès verbal their majesties have affixed their signature; and which, after having been signed by the kings, queens, princes and princesses present, has been signed by us, and countersigned by the secretary of the imperial family.

'Done at the palace of the
Thuilleries,

Thuilleries, the day, hour, and the year aforesaid.

(Signed)

“ NAPOLEON,
JOSEPHINE,
MADAME,
LOUIS,
JEROME NAPOLEON,
JOACHIM NAPOLEON,
EUGENE NAPOLEON,
JULIE,
HORTENSE,
CATHERINE,
PAULINE,
CAROLINE,

CAMBACERES, prince arch-chancellor.

COUNT REGNAULT, (de St. Jean d'Angely.)”

Count Regnault (St. Jean d'Angely), after submitting this project of a senatus consultum, for dissolving the marriage between the emperor Napoleon and the empress Josephine, explained the motives of it as follows:—

“ My Lord—Senators,—The solemn act fully set forth in the senatus consultum now read, contains all its motives. What could we add? what words could we address to the senate of France, but would be far below the affecting sounds received from the mouths of these two august consorts, of whom your deliberations will consummate the generous resolutions? Their hearts have coincided in making the noblest sacrifices to the greatest interests—they have coincided to make policy of sentiment speak language the most true—the most persuasive—the most adapted to move and convince. As foreigners and as consorts, the emperor and empress have done all—there only remains for us to love, to bless, and to admire them. 'Tis henceforth for the French nation to make themselves heard—their memory is

faithful as their hearts—they will unite in their grateful thoughts the hope of the future with the remembrance of the past, and never will monarchs have received more respect, admiration, gratitude and love, than Napoleon, in immolating the most sacred of his affections to the wants of his subjects—than Josephine in sacrificing her tenderness for the best of husbands, through devotion for the best of kings—through attachment to the best of nations:—accept, gentlemen, in the name of all France, in the sight of astonished Europe, this sacrifice, the greatest ever made on earth; and full of the profound emotion which you feel, hasten to carry to the foot of the throne, in the tribute of your sentiments, of the sentiments of all Frenchmen, the only prince that can be worthy of the fortitude of our sovereign, the only consolation that can be worthy of their hearts.”

The prince viceroy spoke as follows:—

“ Prince—Senators,—You have heard the project of the senatus consultum submitted to your deliberations; I feel it my duty, under these circumstances, to manifest the sentiments by which my family are animated. My mother, my sister, and myself, owe all to the emperor—he has been to us a father; he will find in us, at all times, devoted children and obedient subjects. It is important to the happiness of France, that the founder of the fourth dynasty should in his old age be surrounded by direct descendants, who may prove a security to all, and a pledge of the glory of our country. When my mother was crowned, before the whole nation, by the hands of her august consort, she contracted an obligation to sacrifice all her affec-

tions

tions to the interests of France. She has fulfilled with fortitude, nobleness and dignity this first of duties; her soul has often been moved at beholding exposed to painful struggles, the heart of a man, accustomed to conquer fortune, and advance with a firm step to the accomplishment of his great designs. The tears which this resolution has cost the emperor, suffice for the honour (*à la gloire*) of my mother. In the situation she will now fill, she will be no stranger, by her wishes to the feelings of the new prosperities which await us, with a satisfaction mingled with pride, that she will behold the happiness her sacrifices will produce to her country, and to her emperor."

This speech concluded, count Garnier, annual president, proposed to refer the *senatus consultum* to a special committee of nine members to report thereon during the sitting.—Agreed to. The prince arch-chancellor, president, then named, by lot, as scrutineers, the senators Barthelemy and Le Mercier; and the following senators were elected on the committee, Garnier, Lacepede, Semonville, Beurnonville, Chaptal, Laplace, marshal duke of Dantzic, marshal Serrurier, and Monge. The sitting was suspended till their return. At half past four it was resumed, and count Lacepede spoke as follows:—

"My Lord—Senators,—You have referred to your special committee, the project of the *senatus consultum* presented to you by the orators of the council of state. This day more than ever has the emperor proved, that he only wishes to reign to serve his subjects; the empress has deserved that posterity should associate her name with that of the immortal

Napoleon. Such, then, is the condition of those whom the throne raises above others, only to impose on them obligations more severe; how many princes, who only consulting the happiness of their subjects, have been obliged to renounce connexions the most dear to them?

"To look no further than the predecessors of Napoleon, we find thirteen kings, whose duty as sovereigns obliged them to dissolve the bond which bound them to their consorts; and what is well worthy of remark, among these thirteen princes four of them we must reckon were French monarchs, admired the most and cherished, Charlemagne, Phillippe Auguste, Louis XII. and Henry IV. Ah! may he, whose glory and self-devotion surpass their self-devotion and their glory, long reign for the prosperity of France and of Europe! May his life continue far beyond the thirty years he has desired for the stability of his empire. May he see around his throne princes from his blood, educated in his spirit as in his sentiments, and worthy of their august origin, secure for our latest posterity the continuance of all the blessings our country owes him! May the image of the happiness of the French, which the present and the future will offer to his view, be the reward of his labours, and of his sacrifices!

"Your committee, senators, unanimously propose to you to adopt the project of the *senatus consultum* proposed to you; 2dly, To adopt also two addresses, which I shall have the honour to lay before you, to be presented, one to the emperor and king, the other to the empress queen."

Having seen the project of the *senatus*

senatus consultum, drawn up in the form prescribed by the 57th article of the act of the constitution of the 4th of August 1802; after having heard the motives of the said project, the orators of the council of state, and the report of the special commission appointed in the sitting of this day: the adoption having been under discussion by the number of members prescribed by the 56th article of the act of the constitution of the 4th of August, 1802, decrees—

“Art. I. The marriage contracted between the emperor Napoleon and the empress Josephine is dissolved.

“II. The empress Josephine shall preserve the title and rank of empress queen crowned.

“III. Her dowry is fixed at an annual income of two millions of francs, on the revenue of the state.

“IV. All the assignments which may be made by the emperor in favour of the empress Josephine on the funds of the civil list, shall be obligatory on his successors.

“V. The present senatus consultum shall be transmitted by a message to his imperial and royal majesty.”

ADDRESS OF THE SENATE TO HIS MAJESTY THE EMPEROR AND KING.

“The senate has adopted the projet of the senatus consultum, which has been presented to it in the name of his imperial and royal majesty.

“Your majesty, sire, could not give a greater proof of the absolute devotion to the duties which an hereditary throne imposes. The senate feels in the most lively manner, the necessity of expressing to you how much it is penetrated with all the great soul of your majesty; it experiences that the most extensive power, the most illustrious glory, the admiration of the most

remote posterity cannot, sire, compensate the sacrifice of your dearest affections. The eternal love of the French nation, and the profoundest sense of all you have done for them, can alone console your majesty's heart.”

ADDRESS OF THE SENATE TO HER MAJESTY THE EMPRESS AND QUEEN.

“Madame—Your imperial and royal majesty has made to France the greatest of sacrifices. History will preserve an everlasting remembrance of it.

“The august consort of the greatest of monarchs could not unite herself to his immortal glory by a more heroic act of self-devotion.

“Long have the French nation, madame, revered your virtues; they revere that affecting goodness which inspires all your words, and directs all your actions: they will admire your sublime self-devotion: they will for ever decree to your imperial and royal majesty an homage of gratitude, respect, and love.

“The senate orders the two above decrees to be presented the one to his majesty the emperor and king, the other to her majesty the empress queen, by the president and secretaries of state.

“Signed

“CAMBACERES, prince arch-chancellor of the empire, president.

“SEMONVILLE and BEURNONVILLE, secretaries.”

The orators of the council of state withdrew, and the prince arch-chancellor terminated the sitting. When his serene highness withdrew, he was escorted with the same honours shown him on his arrival.

MANSION-HOUSE.

27. A case of a singular nature was heard before the lord mayor and

and alderman C. Smith on Friday. The stewards of a benefit society were summoned by the widow of one of their members to show cause why they should not continue to pay her an annuity of 20*l.* per annum, according to their articles. Mr. Alley attended on the part of the plaintiff, and Mr. Bolond for the defendants. The circumstances were as follow:—The rules of the society provided, that the widows of members should be entitled to an annuity of 20*l.*, and that, should they marry again, the society, on the payment of 20*l.*, should be released from any further claims being made upon them. The husband of the plaintiff had been dead upwards of five years, and she had received her annuity till about eighteen months since, at which time she married; and on producing the certificate of her marriage to the stewards, they paid her 20*l.* and took her receipt for it. Some time afterwards she discovered that the man whom she had married had a wife and several children living in Cornwall; and in fact, after having spent her money and made away with her property, he went back to his wife, and is now with her at Penzance in Cornwall. On this desertion she applied to the stewards, demanding to be again put upon the list of widows, on the ground of her having been deceived, and that she was still, in fact, a widow. On the part of the defendants it was contended, that the plaintiff could have no further claim to the society, they having, in compliance with the rules of the society, on the production of the marriage certificate by the plaintiff, paid her 20*l.* and taken her receipt for it. Several witnesses were called on the part of the plaintiff; and the first wife of the man being proved to be alive, his lordship and the

worthy alderman were of opinion that she ought to be reinstated on the books of the society.

27. The Harlequin sloop of war having under convoy 23 sail of ships sailed on the 5th inst. from Plymouth. Last night the wind blew strong from the S. W. with a heavy swell; and it being very dark, the Harlequin with the six headmost ships ran ashore in Seaford bay at five minutes before four. Signals of distress were fired, and a number of sky-rockets, &c. exploded by the convoy. The remainder of the fleet now hauled their wind, and with difficulty cleared Beachy-head. The inhabitants of Seaford and Newhaven were prevented from rendering much assistance by the extreme haziness of the morning. At day-break the scene was such as can hardly be described—six of the vessels were lying close together, and the other was under the high cliff, about half a mile to the east. Between six and seven part of the crews were got on shore—others were floating on rafts, &c. until so completely exhausted that the waves washed them off, and they perished. Several of the vessels were completely dashed to pieces. Thirty-two persons lost their lives. The following are the names of the ships which were lost: the Weymouth, 4 of her crew lost; February, 14 lost; Metbedacht, all lost; Traveler brig, Albion schooner, and Unice, crews all saved.

EAST INDIES.

29. Private accounts, received by the late arrivals from Bombay, communicate intelligence of a most unpleasant nature: these not only confirm the previous information of the existence of a serious misunderstanding between the civil government of one of the Indian presidencies and the military, but add a par-

a particular not generally known in this country, that one of the company's regiments had forcibly possessed itself of the fort of Masulipatam. The commanding officer of the regiment is said to have been previously placed under arrest by the soldiery. The accounts do not state whether the fort had been subsequently surrendered by the mutineers, though mention is made, that after a vain attempt to divide the regiment by ordering small detachments from it, col. Malcolm had been sent to the northward with conciliatory proposals, and had returned to Madras without effecting the purpose of his mission.

The obnoxious officers, who were supposed to have taken an active share in the circulation of memorials within their respective commands, and who, according to foregoing accounts, had been, in consequence, ordered to the presidency, for the purpose of taking their passage to Europe, had arrived at Madras; and one of them, an officer of distinction and family, had been sent in close arrest to Poonamallee, the depôt of the French and Dutch prisoners.

The governor-general had deemed it necessary, in this state of things, to address a detached order to the coast army, consisting of 68 manuscript pages, conveying his sense of the late acts of that body, in very energetic language.

Letters from Bombay mention, that the pirates in the Persian Gulf had increased to a most formidable body, and had carried on their predatory warfare with unusual success, and more than usual barbarity. A naval and military force had in consequence been ordered to proceed to the Gulf. Three frigates, with numerous transports, and a part of the 65th

regiment, with a detachment of sepoys and artillery, had been destined to this service. The pirates are stated, in round numbers, at 12,000 men.

Saturday, Dec. 30.

General Orders.—The following regulations have been substituted for those notified in the general order of the 20th March last, which had been found not sufficiently explanatory of his majesty's intentions: "No officer shall be promoted to the rank of a captain until he has been three years a subaltern.—No officer shall be promoted to the rank of major until he has been seven years in the service, of which he shall have been at least two years a captain; and no major shall be appointed to the rank of lieutenant-colonel until he has been nine years in the service.—No officer shall be allowed to fill any staff appointment (that of aid-de-camp excepted) until he has been four years in the service.—No subaltern officer shall be considered eligible to hold the appointment of aid-de-camp until he has been present with his regiment at least one year."

A LUNATIC.

An inquiry was held at the Mermaid inn, at Hackney, to ascertain whether Mr. S. Bell, a merchant and ship-owner, of Cheapside, was a lunatic or not, as directed by a decree of the high court of chancery. — Sayers, esq. appointed sheriff by the lord chancellor, presided. The commissioners were Mr. Evance, and two other magistrates. There were fifteen jurymen.

The evidence adduced to prove the insanity of Mr. Bell was, that, in the month of September last, several proposals for contracts were

sent in to the commissioners of the navy board, to supply them with sail-cloth and canvass; most of the propositions were for two shillings and five pence per-yard; but Mr. Bell sent in a proposition for two shillings and two pence per yard. Mr. Bell called several times at the Navy-office, requesting to have an answer to his proposals. On the morning of the 6th of September Mr. Bell went to the Navy-office and inquired for Mr. secretary Nelson; and not being able to see Mr. Nelson, or obtain an answer to the cheap proposition for the contract he had made, he behaved in a very disorderly manner, abusing the clerks, throwing books at them; and his conduct was so extremely violent, that H. Adkins, belonging to Bow-street office, who attends at the Navy Pay-office, was sent for, who at last succeeded in taking him to Bow-street. Mr. Nares conversed with him for some time, and entertained no doubt of his being deranged. He was taken to the Brown Bear public-house, to be under the care of Adkins, where he went to bed, and Adkins sat up with him. About one o'clock he awoke, and told Adkins that there was no occasion for his sitting up, that he was sensible of the state he had been in, but he was then perfectly composed, and desired him to go to bed; Adkins agreed to this, provided he would let him lock him in, assigning a reason, if he did not, some person might come into the room and inspect his papers. Adkins went to bed, but was called up again about three o'clock, in consequence of the violent conduct of Mr. Bell,—when he discovered that Mr. Bell had broken every pane of glass out of the window-frame; and it is sup-

posed it was only the iron bars which prevented him from getting out of the window. Adkins went for assistance, and, on his return with a man, Mr. Bell had broken down two doors and two wainscots, and was then in the act of breaking down a strong door with a chair; they, after a desperate struggle, succeeded in securing him; and, having got him on a bed, fastened hand-cuffs on him. Mr. Duff, Mr. Bell's solicitor, went to the Brown Bear public-house the same morning, and, being satisfied, from the variety of circumstances that occurred, directed him to be taken to Warburton's mad-house at Hoxton; which was accordingly done. Mr. Bell remained there till the 3d of October; when he broke out of the house; and in the course of that day he called at the Brown Bear public-house, Bow-street, and had a pint of porter; he drank it very quietly, and when he had finished it, he jumped over the table and ran out of the house. He went from thence to Islington, where it was discovered who he was, and he was conveyed to Mr. Duff's house, his solicitor, in Nicholas-lane, who sent him back to Warburton's mad-house.—In consequence of the afflicted state of Mr. Bell's mind, his father came to town from Scotland.—On the 7th of November Mr. Bell was considered so much recovered, that his father took him out of Warburton's house. He remained quiet for several days, till he was walking with his father in Oxford-street, when he contrived to give him the slip, went directly to his stable, mounted his horse, and rode off full speed; and it is supposed went at such a rate, that he passed through all the turnpike gates from Hyde Park-corner to

Longford,

Longford, without paying, where the gate-keeper stopped him for the toll: he told the man he had no money, but the latter refused to let him pass. Mr. Bell dismounted, and walked back towards London, till he came up with a hackney coach, which he hired. Mr. Bell got out of the coach in the city.

The coachman demanded his fare; Mr. Bell told him he had no money, but if he would follow him he would get it. The coachman accordingly followed him to Mr. Warburton's house at Hoxton, when the coachman was paid.—The jury decided, that Mr. Bell was insane.

The LONDON GENERAL BILL of

CHRISTENINGS and BURIALS from December 13, 1808, to December 12, 1809.

Christened	Males	9981	In all,	19,612	Buried	Males	8636	In all,	16,680	Decreased in Burials	2932.
	Females	9631				Females	8044				

Died under 2 years	4937	20 and 30 -	1145	60 and 70 -	1235	100 - 2	104 - 0
Between 2 and 5	1916	30 and 40 -	1472	70 and 80 -	1063	101 - 0	105 - 0
5 and 10	754	40 and 50 -	1748	80 and 90 -	369	102 - 0	110 - 0
10 and 20	566	50 and 60 -	1419	90 and 100 -	54	103 - 0	115 - 0

DISEASES.		Fevers of all kinds	1066	Scarlatina	1	Drowned	124	
Abortive, Still born	514	Fistula	3	Scurvy	4	Excessive Drink-		
Abscess	49	Flux	9	Small Pox	1163	ing		
Aged	1251	French Pox	29	Sore Throat	7	Executed *		
Ague	4	Gout	30	Sores and Ulcers	5	Found Dead		
Apoplexy & sudden	203	Gravel, Stone, and		Spasm	24	Fractured		
Asthma & Phthisic	488	Strangury	10	St. Anthony's Fire	2	Frighted		
Bile	2	Grief	5	St. Vitus's Dance	1	Frozen		
Bleeding	24	Jaundice	26	Stoppage in the Sto-		Killed by Falls and		
Bursten & Rupture	15	Jaw Locked	4	mach	20	several other Ac-		
Cancer	55	Inflammation	511	Strangury	1	cidents	68	
Childbed	123	Influenza	3	Teeth	308	Killed themselves	52	
Colds	15	Livergrown	21	Thrush	39	Murdered		
Colick, Gripes, &c.	15	Lunatic	166	Tumour	1	Overjoy		
Consumption	4570	Measles	106	Water in the Chest	11	Poisoned	4	
Convulsions	3463	Miscarriage	2	Water in the Head	252	Scalded	5	
Cough, and Hooping-		Mortification	167	Worms	5	Smothered	1	
Cough	591	Palsy	123	CASUALTIES.				
Cramp	2	Palpitation of the		Bit by a Rattle-		Starved	1	
Croop	81	Heart	1	snake	1	Suffocated	7	
Diabetes	1	Pleurisy	19	Bit by a mad dog	1			
Dropsy	736	Quinsy	3	Bruised	5			
Evil	2	Rheumatism	2	Burnt	30			
								Total 326

* There have been executed in the city of London and county of Surrey 16; of which number 6 only have been reported to be buried (as such) within the bills of mortality.

BIRTHS in the year 1809.

Jan. 3. The lady of the hon. Herbert Gardiner of a son.

8. The wife of Mr. M'Corrie of three children.

10. Countess Oxford of a daughter.

—. The hon. Mrs. Courtney Boyle of a daughter.

18. The lady of the rev. C. Rawlins of a son.

(O 2)

26. The

26. The hon. Mrs. Winn of a son.
 30. Lady Caroline Lambe of a daughter.
Feb. 1. The countess of Loudon and Moira of a daughter.
 6. Lady Monson of a son and heir.
 10. Lady Louvaine of a daughter.
 14. Countess of Enniskillen of a son.
 20. Viscountess Grimston of a son and heir.
 28. The wife of capt. Hodge of a daughter.
March 3. The lady of R. J. Chambers, esq. of a son.
 —. Viscountess Glentworth of a son and heir.
 5. Lady Augusta Leith of a son.
 9. The lady of Mr. sergeant Vaughan of a son and heir.
 14. The lady of Thomas Cadell, esq. of a daughter.
 22. The lady of Coutts Trotter, esq. of a daughter.
 25. The lady of the hon. E. J. Turnour of a daughter.
 30. The lady of John Idle, esq. of a daughter.
April 4. The lady of Edmond Turnor, esq. of a son.
 8. The lady of Philip Francis, esq. of a daughter.
 13. The hon. Mrs. Pelham of a son.
 16. The lady of gen. F. Dundas of a son.
 20. The lady of major St. Paul of a daughter.
 22. Countess Selkirk of a son and heir.
 30. Hon. Mrs. Hugh Percy of a daughter.
May 3. Viscountess Hereford of a son.
 9. The lady of George Smith, esq. of a son.
 11. Madame Catalani of a son.
 17. Countess Grey of a son.
 19. The lady of the right hon. R. P. Carew of a daughter.
 20. Countess de Mesnard of a son.
 25. The lady of sir Thomas Dyke Acland of a son.
 31. The lady of the rev. J. W. Burford of a daughter.
June 6. Lady Mosley of a daughter.
 13. Lady Caroline Stuart Wortley of a daughter.
 14. Countess of Albemarle of a son.
 16. Lady Ellenborough of her 7th son and 13th child.
 21. Lady Andover of a son.
 22. The lady of Mr. alderman Atkins of a son.
 —. Lady Harriet Bagot of a son.
 26. The lady of sir Robert Williams of a son.
 30. The marchioness of Tavistock of a son.
July 1. The lady of sir C. M. Burrell of a son.
 8. Lady Jane Taylor of a son.
 12. Countess Craven of a son.
 —. The countess of Aberdeen of a daughter.
 13. The countess of Dalkeith of a son.
 15. The lady of Isaac Goldsmid, esq. of a son.
 19. Viscountess St. Asaph of a daughter.
 20. The wife of Mr. Easton of two sons and a daughter.
 21. The duchess of Richmond of a daughter, being the 14th child.
 23. The countess of Abingdon of a daughter.
 27. The lady of George Ormerod, esq.
Aug. 1. The lady of the rev. J. Simkinson of a son.
 8. The lady of William Tooke, esq. of a daughter.

10. Lady Bagot of a daughter.
18. The lady of sir John W. Smith, bart. of a son.

19. Lady Elizabeth Talbot of a son.

23. The lady of F. Freeling, esq. of a daughter.

24. Mrs. Hazleton, wife of a journeyman wheeler, of three sons.

28. The lady of capt. Otway of a daughter.

Sept. 2. The lady of the hon. P. R. D. Burrell of a daughter.

9. The lady of Ed. Popham, esq. of a daughter.

17. The lady of William Denville jun. esq. of a daughter.

25. The lady of George Polhill, esq. of a son.

Oct. 2. Viscountess Primrose of a son.

4. Her Prussian majesty of a son.

— The wife of John Allen of three daughters.

11. Lady Sinclair of a son.

18. Lady Mulgrave of a son.

22. The lady of John Milford, esq. of a son.

26. The lady of William Stanley Clarke, esq. of a son.

27. The lady of sir R. Phillips of a daughter.

28. Lady Arundell of a daughter.

31. The lady of sir George Bowyer, bart. of a daughter.

Nov. 2. The lady of capt. P. Parker of a son.

7. Lady Holland of a son.

16. Lady Marsham of a daughter.

18. The lady of Richard Neave, esq. of a son.

— Hon. Mrs. Codrington of a daughter.

29. The lady of Dr. Stodart of twins.

Dec. 2. The lady of Henry Hobhouse, esq. of a daughter.

10. Lady Catherine Forrester of a daughter.

12. Lady Keith of a daughter.

22. Lady Morpeth of a son.

24. Lady Robert Fitzgerald of a son.

31. The lady of the rev. Henry Neville of a son.

MARRIAGES *in the year* 1809.

Jan. 2. George Richards, esq. to miss F. Kettrilby.

3. Hon. D. P. Bouverie, to miss L. May.

7. Thomas Moore, esq. to miss Grey.

9. Sir Thomas Gage, bart. to lady M. A. Browne.

10. R. T. Farquhar, esq. to miss F. Lautour.

15. H. Jackson, esq. to miss Poole.

18. James Drummond, esq. to lady A. S. Murray.

Feb. 1. Rev. J. Grundy, to miss A. Hancock.

2. J. Morrough, esq. to miss M. Plowden.

9. Rev. G. W. Marsh, to miss S. Hart.

13. Rev. Dr. Werninck, to the hon. Mrs. Wynn.

16. Sir A. Paget, to lady Augusta Fane, late wife of lord Boringdon, from whom she was divorced on the 14th.

21. Rev. F. Graham, to miss Paley.

22. Rev. T. G. Tyndale, to miss Earle.

25. Stephen Vertue, esq. to miss A. Brent.

27. J. O. Vandeleur, esq. to miss C. Glasse.

March 2. Rev. J. St. Leger, to miss Williams.

6. Capt. Reade, to miss Hoskyns.

9. Lieut. col. Townsend, to miss Scott.

11. Reader Clarke, esq. to miss M. Pinhorn.

16. Rev. Henry Raikes, to miss Whittington.

21. Hon. and rev. Edward Grey, to miss C. Crofts.

23. Capt. G. Heathcote, to miss A. Lyell.

29. Capt. Baird, to miss Dixon.

April 1. Capt. T. P. Baugh, to miss Scott.

5. Major George Evans, to miss Spalding.

10. E. J. Esdaile, esq. to miss Drake.

15. Rev. J. Dods, to miss Swayne.

18. Rev. Theophilus Prosser, to miss Newport.

22. J. G. Jones, esq. to miss F. Brent.

25. Mr. W. Armstead, to miss E. Godfrey.

May 1. Rev. J. Rose, to miss Babington.

4. Rev. J. Stevens, to miss A. M. Norton.

8. W. Milner, esq. to miss H. Bentinck.

9. Edward Grove, esq. to miss E. Hartopp.

11. F. Popham, esq. to miss S. Fenwick.

13. Edward Davies, esq. to miss S. Jones.

17. The hon. George Lambe, to mademoiselle Caroline St. Jules.

18. Francis Evans, esq. to miss H. Locke.

23. D. W. Harvey, esq. to miss Johnston.

27. Dr. Parr of Exeter, to miss F. Robson.

June 1. Mr. William Caslon, to miss Bonner.

— Sir H. V. Darrell, to miss Becher.

6. Henry Card, esq. to miss C. Fletcher.

9. John Shaw, esq. to miss H. Eade.

12. William Davey, esq. to miss A. Thornton.

19. Rev. D. W. Davis, to miss Akhurst.

22. W. C. Key, esq. to miss Down.

— Thomas Wainwright, esq. to miss E. Kevill.

26. E. Wodehouse, esq. to miss Lucy Wodehouse.

29. Sir Thomas Ramsay, bart. to miss Steele.

— Rear admiral Stopford, to miss Mary Fanshawe.

July 3. J. P. Bastard, esq. to miss J. A. Martin.

— C. N. Noel, esq. to miss Welman.

5. Thomas Richards, esq. to Mrs. Edwards.

7. Sir A. O. Molesworth, bart. to miss Brown.

11. T. H. Farquhar, esq. to miss Sybilla Rockcliffe.

13. Sir G. Rumbold to miss E. Parkyns.

17. H. Parry, M. D., to miss E. M. Bedford.

22. T. Nicholls, esq. to miss H. Rivaz.

27. Cholmeley Dernigy, esq. to miss Hale.

31. Lambert Blair, esq. to the eldest daughter of the late gen. Stopford.

Aug. 1. John Phillips, esq. to miss A. F. Shawe.

7. Sir H. Mildmay, to miss Bouverie.

10. Charles Pott, esq. to miss Cox.

17. J. W. Goodwyn, esq. to miss E. Flower, second daughter of the lord mayor of London.

19. Edward Carter, esq. to Mary, the fourth daughter of the late sir John Carter.

22. S. R. Solly, esq. to miss Hammond.

23. Lord Boringdon, to miss Talbot.

24. Philip Cipriani, esq. to Mrs. Waller.

31. Thomas

31. Thomas Deacon, esq. to miss Durand.

Sept. 4. Francis Carlton, esq. to miss Montgomerie.

7. James Briggs, esq. to miss Vincent.

13. Rev. J. Barrett, to miss Slade.

14. J. Osborn, esq. to miss Davers.

19. The hon. E. Harbord, to the hon. miss Vernon.

27. H. Gurney, esq. to miss Barclay.

28. Henry Erskine, esq. to the youngest daughter of sir Charles Shipley.

30. Mr. Redfern, to miss M. Greenwood.

Oct. 1. R. C. Pyne, esq. to miss Pizzie.

4. Hon. S. H. Ongley, to miss Monox.

11. Sir W. Sidney Smith, to lady Rumbold.

—. Edward Christian, esq. to miss Walmsley.

16. F. Wharton, esq. to lady Anne Duff.

19. Charles Walker, esq. to miss Curwen.

—. The duke of Devonshire, to lady Elizabeth Forster.

21. Booth Grey, esq. to lady Sophia Grey.

23. John Henry Ley, esq. to lady Frances Dorothy Hay, second daughter of the late marquis of Tweeddale.

26. Jeremiah Dick, esq. to miss Harriette Le Coq.

27. Rev. R. Collett, M. A. to miss F. M. Smith.

30. Edward Ellice, esq. to lady Anne Bettsworth.

Nov. 1. William Speke, esq. to miss Andrews.

9. Thomas Northmore, esq. to miss Eden.

15. R. C. Blunt, esq. to miss E. F. Mercer.

16. Viscount Bernard, to lady Sophia Poulett.

25. Lord Hamilton, to miss Douglas.

27. Captain Stoner, to the eldest daughter of Charles Butler, esq.

29. Lieut. col. Egerton, to miss Trowbridge.

Dec. 2. James Wilkinson, esq. to the second daughter of C. A. Craig, esq.

7. Robert Storks, esq. to miss Brooke.

13. Rev. Charles Brooke, to Charlotte, third daughter of the rev. F. Capper.

16. Sir Brook W. Bridges, bart. to the eldest daughter of sir Henry Hawley, bart.

20. O. G. Gregory, LL.D. to miss Beddome.

24. Lord Granville Leveson Gower, to lady Harriet Cavendish.

26. Egerton Leigh, esq. jun. to miss Stratton.

30. Euclid Shaw, esq. to miss Saunders.

31. Charles Thomas Macklin, esq. to miss Moore.

DEATHS in the year 1809.

Jan. 2. The marquis of Sligo.

3. The rev. Richard Shepherd, D.D. F.R.S.

5. The hon. Caroline Cornwallis.

—. General Edward Smith, one of the surviving officers who were under the command of Wolfe when he fell at Quebec.

16. General Moore, killed at Corunna.

—. Captain Charles Stanhope, shot through the heart at Corunna.

17. Sir F. Vincent.

24. Lady Lumm.

27. Major A. A. Campbell.

28. Sir John Miers.

31. Elizabeth, the wife of Philip Meadows Martineau, esq.

Feb. 1. Mrs. T. Randolph.

3. D. Campbell, esq.
 5. Rev. R. A. Ingram.
 8. His grace duke of Ancaster.
 10. Lady Augusta Bennet.
 13. Mrs. Sims, wife of Dr. Sims.
 20. R. Gough, esq.
 23. Dowager lady Ashburton.
 24. The earl of Orford.
 27. F. Lawrence, esq. D.C.L.
March 1. Archibald Geddes, esq.
 4. John Loveday, esq. D.C.L.
 8. Mrs. Cornewall, relict of the right hon. C. W. Cornewall, speaker of the house of commons.
 11. Mrs. Cowley, a well known dramatic writer.
 13. Robert Wrey, esq. the companion in arms to gen. Wolfe.
 19. Mr. Hugh Hewson, the Hugh Strap in Roderic Random.
 21. The duchess of Bolton.
 23. Mr. Thomas Holcroft.
 25. Mrs. Seward, the poetess.
 29. Edward lord Petrie.
April 3. Rev. Dr. Roberts.
 8. Lady Hughes.
 13. Cornelius Denne, esq.
 16. The lady of J. Smith, esq. M. P.
 17. David Pitcairn, M.D. F.R.S. &c.
 24. Thomas Old, esq.
 25. The rev. James Falconer, D.D.
 —. Lady Lucy Stanley, eldest daughter of the earl of Derby.
 27. Charles Alexander Cricket, esq.
 30. Sophia, eldest daughter of Philip Deare, esq.
May 1. Rev. Thomas Waters.
 5. Rev. Joshua Pearson.
 6. Daniel Wildman, esq.
 7. Alexander Hunter, M.D. F.R.S. &c.
 8. Rev. J. J. Harrison.
 —. John Morfitt, esq.
 9. Patrick Plunkett, M.D.
 —. Walsh Porter, esq.
 10. Rev. Charles Poyntz, D.D.
 11. Rev. George Croft, D.D.
 14. Dr. Beilby Porteus, bishop of London.
 18. W. Welby, esq.
 24. Robert Allan, esq.
 25. Stephen Simson, esq.
 26. Mr. Thomas Wedgwood.
 29. J. H. Foley, esq.
 —. W. Woodgate, esq.
 —. The lady of the rev. Dr. Knox.
 —. Johannes Von Muller, the celebrated Swiss historian.
 30. David Barclay, esq.
 31. Santerre, rendered infamous by his conduct to Louis XVI. on his execution.
June 1. Filmer Honeywood, esq.
 2. J. P. Hungerford, esq.
 —. Dr. Beckwith, organist of the cathedral, Norwich.
 5. Hon. Mrs. Butler, mother to the late countess Darnley.
 11. Mr. W. W. Macpherson.
 15. The wife of Mr. N. S. Machin.
 17. Lewis Poignaud, M.D.
 21. Mr. Daniel Lambert (see Principal Occurrences).
 24. Mr. Edward Collinson.
 27. Mrs. Catharine Knightley.
 28. Sir Stair Agnew.
 29. Mr. Thomas Isherwood.
 30. W. Perfect, M.D.
July 3. The lady of sir James Bond.
 —. S. Houston, Esq.
 6. C. H. Chaunsey, esq.
 8. Peter Berthou, esq.
 12. Mr. Benjamin Uphill.
 14. Charles Agar, earl of Normanton.
 —. Sir Stukeley Shuckburgh, bart.
 19. The hon. Mrs. St. Leger.
 21. William Strode, esq.
 23. Rev. G. Downing, M.A.
 24. Mr. Alderman Flemming.
 27. J. D. Worgan, esq.
 28. The

28. The rev. Hugh Morgan, D.D.
 31. Rev. J. Marriott, LL.D.
Aug. 2. Rear admiral James Bradby.
 3. Andrew Mackay, LL.D. F.R.S.
 5. Sir G. Colebrooke, bart.
 —. Lady Clarges.
 7. Rev. W. Sandford.
 8. Lady A. Hume.
 —. Sir Hugh Owen, bart.
 11. Countess dowager of Shrewsbury.
 12. Lord Henry Stuart.
 15. Samuel Toulmin, esq.
 18. Matthew Bolton, esq. F.R.S.
 23. W. Farr, M.D. F.R.S.
 24. Rev. T. Clare, D.D.
 —. Sir R. S. Cotton, bart.
 29. Gen. Robert Melville.
 30. Peregrine Wentworth, esq.
Sept. 3. Sir John Murray, bart.
 —. The earl of Coventry.
 4. The lady of sir William Scott.
 8. Lieut. col. Donaldson.
 13. Lieut. gen. Fraser.
 17. William Raisin, aged 99.
 21. The widow of capt. James Alms.
 25. John Travers, esq.
 27. Mrs. Bentham, mother of the speaker of the house of commons.
 30. Miss Jane Elizabeth Hurdis.
Oct. 1. Sir Elijah Impey.
 2. The lady of the rev. Dr. John Disney.
 3. Lady Dorothy Nowell.
 4. Rev. R. Bullock, D.D.
 7. Benjamin Winthrop, esq.
 8. The hon. W. Cockayne.
 13. Caroline, dowager Selsey.
 17. Anna, the lady of the rev. Charles Arnold.
 —. Eb. Radcliffe, esq.
 20. Thomas Gascoigne, esq.
 23. Harriet, eldest daughter of Benjamin Cole, esq.
 28. Rev. Robert Cranmer.
30. His grace the duke of Portland.
 —. Rev. Inigo-William Jones.
 —. Rev. G. H. Glasse (see Principal Occurrences).
Nov. 2. Lady Bell.
 6. Lady Rose, the relict of the late recorder of London.
 7. Rev. G. Borlase.
 9. T. Hill, esq. leaving behind him 800,000 pounds.
 12. Rev. Dr. John Kelly.
 14. Lord Monson.
 15. The marquis of Lansdowne.
 21. William Thomas F. youngest son of sir Charles Farnaby.
 22. Sir Philip Stephens, bart.
 24. Lady Mary Frances Hesketh.
 26. The lady of sir John Stuart.
 29. William Devaynes, esq.
Dec. 1. Rev. Thomas Cookes.
 7. Sir James Branscomb.
 10. Lady Rendlesham.
 17. Sir W. Bensley.
 20. Alexander Adam, LL.D.
 21. Mr. Joseph Johnson.
 25. Rev. sir Richard Kaye.
 26. Tiberius Cavallo, esq. F.R.S.
 —. Nath. Newnham, esq.
 29. The right hon. sir W. A. Pitt, K.B.
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- PROMOTIONS *in the year 1809.*
- Queen's palace, Jan. 4.* Henry Bentinck, esq. sworn governor and commander in chief of the settlements of Demerara and Essequibo.
 —Charles Bentinck, esq. sworn governor and commander in chief of Surinam.
- Admiralty-office, Jan. 7.* Cuthbert lord Collingwood, vice-admiral of the red, appointed major-general of his majesty's royal marine forces, *vice* lord Gardner, deceased.
- Whitehall, Jan. 7.* Henry Clements Thompson, esq. a commander in the royal navy, permitted to wear

wear the insignia of the royal Swedish military order of the Sword, conferred upon him by the king of Sweden for his services in the engagement with the Russian fleet in the gulf of Finland on the 26th of August last.—Hon. and rev. Auchitel Grey, M.A. appointed to the twelfth prebend of Durham, void by the translation of the bishop of Rochester to the see of Ely.

Foreign-office, Jan. 20. Joseph Charles Mellish, esq. appointed his majesty's consul in the territory of Louisiana.—Andrew Snape Douglas, esq. to be his majesty's secretary of legation to the court of his Sicilian majesty.

Carlton-house, Jan. 21. Rev. Henry Whitfield, D.D. appointed (by the prince of Wales) one of his royal highness's chaplains in ordinary.

Whitehall, Jan. 28. James earl of Hopetoun, created a baron of the united kingdom, by the title of baron Hopetoun, of Hopetoun, co. Linlithgow.

Downing-street, Jan. 30. Brigadier-gen. the hon. Charles William Stewart, appointed governor of Fort Charles, in the island of Jamaica, *vice* Smith, dec.

Queen's palace, Feb. 6. Dr. Christopher Robinson, his majesty's advocate-general (*vice* Nicholl, resigned), knighted.

Foreign office, Feb. 6. Charles Oakeley, esq. appointed his majesty's secretary of legation to the United States of America.

Foreign-office, Feb. 7. Mr. John Hawker, approved (by his majesty) as Sicilian vice-consul at Plymouth.

Whitehall, Feb. 18. Rev. Charles Talbot, B.D. presented to the deanry of Sarum, *vice* Ekins, dec.

Queen's palace, March 1. John lord Brownlow, sworn lord lieutenant of the county of Lincoln, *vice* the duke of Ancaster, dec.—Owen Ellis,

esq. of Eyton, to be sheriff of the county of Flint, *vice* Peat.

Queen's palace, March 18. John Mytten, esq. of Penylan, to be sheriff of the county of Montgomery, *vice* Edwards.—William Griffith, esq. of Bodegroes, to be sheriff of the county of Caernarvon, *vice* Parry.

Whitehall, March 18. Rev. William Carey, D.D. appointed a prebendary of Westminster, void by the promotion of Dr. Walker King to the see of Rochester.

Whitehall, March 21. Rev. George Gretton, D.D. recommended (by his majesty's letter) to be elected dean of Hereford, *vice* Leigh, dec.

Queen's palace, March 22. Right hon. gen. sir David Dundas, K.B. sworn of his majesty's most honourable privy council.

Whitehall, March 25. Right. hon. gen. sir David Dundas, K.B. appointed commander in chief of all his majesty's land forces in the united kingdom of Great Britain and Ireland, *vice* the duke of York, resigned.—Robert Moorsom, esq. appointed one of the lords commissioners of the admiralty, *vice* capt. Hope, resigned.—Rev. George Gordon, B.D. appointed dean of Exeter, *vice* Talbot, resigned.—Rev. Joseph Mends, B.A. presented to the rectory of Aller, co. Somerset, void by the promotion of Dr. King to the see of Rochester.—Rev. Robert Holdsworth, M.A. presented to the vicarage of Brixham, co. Devon, *vice* Fownes, dec.

Whitehall, March 28. Sir David Baird, knt. lieutenant-general of his majesty's land forces, created a baronet of the united kingdom; with remainder to Robert Baird, esq. of Newbyth, East Lothian, his brother.

Whitehall, April 1. Sir Samuel Hood, K.B. rear-admiral of the white, created a baronet of the united kingdom; with remainder to his nephew,

nephew, Alexander Hood, esq.—Rev. Gerald Valerian Wellesley, M.A. presented to the vicarage of West Ham, Essex, *vice* Dr. Gregory, dec.

Whitehall, April 4. Francis lord Napier, appointed high commissioner to the general assembly of the church of Scotland.

Whitehall, April 8. Archibald Campbell, esq. appointed a lord of session in Scotland, *vice* sir William Nairn, bart. resigned.

Queen's palace, April 12. Sir Hugh Elliot, sworn captain-general and governor in chief of his majesty's Leeward Charibbee islands in America.

Whitehall, April 21. J. Sedgwick, J. Jackson, and S. Rose, esqrs. appointed commissioners of excise in Scotland, *vice* J. Stoddart, R. Graham, esqrs. and sir J. Stuart, bart. resigned.

Downing-street, April 27. Lieut.-col. Lachlan Macquarrie, of the 73d foot, appointed governor and commander in chief of the settlement of New South Wales and its dependencies.

Foreign-office, April 29. The marquis Wellesley, K. P. appointed ambassador-extraordinary and plenipotentiary to his Catholic majesty Ferdinand the Seventh; and to reside in that character at the seat of the central or supreme junta in Spain.—Frederick Lindeman, esq. to be consul to the province of Batavia, in the Portuguese dominions in South America.—John Lempriere, esq. appointed consul to the province of Penambuco, in the said dominions.—Henry Veitch, esq. to be agent and consul-general in the islands of Madeiras.

Whitehall, May 6. Michael Seymour, esq. of High Mount, co. Cork, and of Friery-park, co. De-

von, created a baronet of the united kingdom.

Foreign-office, May 8. Robert Adair, esq. appointed ambassador-extraordinary and plenipotentiary at the Sublime Ottoman Porte; and Stratford Canning, esq. to be secretary to that embassy.

Downing-street, May 15. Lieut.-general Edward Morrison, appointed commander of his majesty's forces in the island of Jamaica and its dependencies.

Foreign-office, May 26. Francis-James Jackson, esq. appointed envoy-extraordinary and minister-plenipotentiary to the United States of America.

Whitehall, May 27. Right rev. John Randolph, bishop of Bangor, recommended by *congé d'élire* to the see of London, *vice* Porteus, dec.—James Clerk, esq. advocate, appointed one of the barons of the court of exchequer in Scotland, *vice* Cockburn, resigned; and William Rae, esq. advocate, to be sheriff-depute of the shire of Edinburgh, *vice* Clerk, resigned.

War-office, May 30. Lieut.-gen. David Douglas, lieutenant-colonel of the 18th foot, appointed governor of Tynmouth, *vice* Rainsford, dec.

Whitehall, June 6. William Erskine, esq. advocate, to be sheriff-depute of the shire of Orkney and Zetland, *vice* Rae, resigned.—Sir George Rupert, knt. Ambrose Serle, James Bowen, esqrs. the hon. John Douglas, John Harness, M.D. and the hon. Courtenay Boyle, appointed commissioners for conducting the transport service, for the care of sick and wounded seamen, and for the care and custody of prisoners of war.

Foreign-office, June 7. Robert Fagan, esq. appointed consul at Sicily and Malta.

Downing-

Downing-street, June 10. Major-general the hon. John Brodrick, appointed governor and commander in chief of the island of Martinique. —Lieut.-gen. Edward Morrison, to be lieutenant-governor of the island of Jamaica, and commander of the forces on the Jamaica station.

Foreign office, June 10. Bartholomew Freire, esq. appointed secretary to his majesty's embassy in Spain.

Foreign-office, June 17. Mr. Emanuel Viale, approved (by his majesty) as his Sicilian majesty's consul at Gibraltar.

Whitehall, June 20. Hon. Henry Sedley, appointed gentleman and master of his majesty's robes, *vice* the earl of Harcourt, resigned.

St. James's, June 24. Edmund Phelps, esq. appointed lieutenant of the yeomen of the guard, *vice* Garriek, resigned.

Whitehall, July 1. Right hon. Granville Leveson Gower (commonly called lord Granville Leveson Gower) appointed his majesty's secretary at war, *vice* Pulteney, resigned.

Whitehall, July 11. Right hon. Dudley baron Harrowby, and right hon. John baron Teignmouth, appointed commissioners for the management of the affairs of India; the former, *vice* Dundas-Saunders (president), the latter *vice* Johnstone.

Whitehall, July 15. Right hon. Robert Dundas, added to the commissioners for the management of the affairs of India.—Benjamin Sydenham, esq. appointed a commissioner for managing his majesty's revenue of excise, *vice* Jackson.

Whitehall, July 18. Right hon. Dudley baron Harrowby, created viscount Sandon, of Sandon, co. Stafford, and earl of Harrowby, co. Lincoln.

Whitehall, July 21. George Keke-

wich, esq. appointed advocate-general, and William-David Jennings, esq. procurator-general, at his majesty's settlement of the Cape of Good Hope.

Carlton-house, Aug. 8. Rev. Houlton Hartwell, of New College, Oxford, M.A. appointed one of the chaplains in ordinary to H. R. H. the prince of Wales.

Whitehall, Aug. 12. Right. rev. Henry William Majendie, bishop of Chester, recommended, by *congé d'élire*, to be elected bishop of Bangor, *vice* bp. Randolph, translated to the see of London.

Whitehall, Aug. 26. Right hon. sir Arthur Wellesley, K.B. and lieutenant-general of his majesty's forces, created baron Douro of Wellesley, co. Somerset, and viscount Wellington of Talavera, and of Wellington, in the said county.

Dublin castle, Aug. 26. Right rev. Euseby Cleaver, D.D. bishop of Leighlin and Ferns, translated to the archbishopric of Dublin and bishopric of Glandelagh, *vice* Charles earl of Normanton, dec.—Hon. and rev. Dr. Percy Jocelyn, promoted to the united bishoprics of Leighlin and Ferns, *vice* Cleaver.

Foreign-office, Aug. 26. Appointment of don Josef Alonso Orfiz, to be his Catholic majesty's consul-general in Great Britain and Ireland, approved by his majesty.

Whitehall, Aug. 29. Sir Rupert George, of Park-place, co. Middlesex, and of St. Stephen's-green, co. Dublin, kn. first commissioner for conducting the transport service, created a baronet.

Whitehall, Sept. 2. The king has been pleased to grant the dignity of a baronet of the united kingdom of Great Britain and Ireland to the following gentlemen: Paulus-Arne-lius Irving, of Woodhouse and Rob-gill

gill Tower, co. Dumfries, esq. lt.-general of his majesty's forces; Thomas Roberts, of Robert's Cove, co. Cork, esq.; James Shaw, of the city of London, and of Kilmarnock, co. Ayr, esq.; Rowland Blennerhasset, of Blennerville, co. Kerry, esq.; William Smith, of Eardiston, co. Worcester, esq.; Charles Cockerell, of Sezincot, co. Gloucester, and of Piccadilly, co. Middlesex, esq.; Edward Bayntum Sandys, of Miserden-castle, co. Gloucester, and of Chadlington-hall, co. Oxford, esq.; Henry Halford, of St. George's, Hanover-square, co. Middlesex, doctor of physic, and one of his majesty's physicians in extraordinary; and John Tyrell, of Boreham-house, co. Essex, esq.

Whitehall, Sept. 16. Major-gen. John Cope Sherbrooke, appointed one of the knights companions of the most honourable order of the Bath.—F. W. Grant, esq. to be lieutenant and sheriff principal of the shire of Inverness, *vice* sir J. Grant, bart. resigned.

War-office, Sept. 16. Lieutenant-general sir James Henry Craig, K.B. from the 22d foot, to be colonel of the 78th regiment of foot, *vice* Frazer, dec.

Whitehall, Sept. 19. Thomas Sheppard, of Thornton-hall, co. Buckingham, esq. created a baronet.

Queen's palace, Sept. 27. Right rev. John Randolph, bishop of London, sworn of his majesty's most honourable privy council.

Whitehall, Sept. 30. Louis Casamajor, esq. appointed his majesty's secretary of legation at Lisbon.

Downing-street, Oct. 6. Alexander Johnston, esq. appointed chief justice of the supreme court of judicature in the island of Ceylon, *vice* Lushington, resigned; and William Coke, esq. to be puisne judge of the said court, *vice* Johnston.

War-office, Oct. 7. His serene highness William duke of Brunswick Oels, appointed a lieutenant-general, with temporary rank in the army; commission dated July 1, 1800.

Whitehall, Oct. 7. Rev. Bowyer Edward Sparke, D.D. recommended, by *congé d'élire*, to be elected bishop of Chester, *vice* bishop Majendie, translated to the see of Bangor.—Hon. and rev. Gerald Valerian Wellesley, M.A. recommended to be elected a canon residentiary of the cathedral church of St. Paul, London, *vice* Majendie, resigned.—Rev. William Harry Edward Bentinck, M.A. appointed a prebendary of the collegiate church of St. Peter, Westminster, *vice* Wellesley, resigned.

Queen's palace, Oct. 11. Right hon. Henry earl Bathurst, sworn one of his majesty's principal secretaries of state.

Whitehall, Oct. 17. Rev. Samuel Gerrard Andrews, D.D. appointed dean of his majesty's metropolitical church of Canterbury, *vice* Powys, dec.

Queen's palace, Oct. 18. Right hon. William Wellesley Pole, sworn of his majesty's most honourable privy council.

Whitehall, Oct. 21. Rev. Charles Henry Hall, D.D. appointed dean of the cathedral church of Christ, in the university of Oxford, *vice* Jackson, resigned.

Carlton-house, Oct. 23. Andrew Bain, M.D. of Curzon-street, Mayfair, appointed one of the physicians extraordinary to h. r. h. the prince of Wales, *vice* Hayes, dec.

War-office, Oct. 24. His majesty has been pleased to appoint lieutenant-gens. Robert Donkin, James Balfour, sir James Duff, knt. Henry lord Mulgrave, and Grice Blakenay, to be generals in the army.—Major-generals George Elliot, Baldwin Leighton,

Leighton, Richard Chapman, John Coffin, Richard Armstrong, John Murray, sir Charles Green, bart. William St. Leger, Richard Northey Hopkins, and Thomas Hartcup, to be lieutenant-generals in the army.—Colonels, from John Hamilton to John Michel, to be major-generals in the army.—Lieutenant-colonels, from Harry Chester to Philip K. Skinner, to be colonels in the army.—Lieutenant-colonel Andrew Ross, to be aid-de-camp to the king.—Majors, from John Potter Hamilton to Charles Darrah, to be lieutenant-colonels in the army.—Captains, from I. S. Ridge to Charles O'Gorman, to be majors in the army.

Admiralty-office, Oct. 25. This day, in pursuance of the king's pleasure, the following flag-officers of his majesty's fleet were promoted, *viz.* Admirals of the white, to be admirals of the red: William Peere Williams, esq. and sir John Colpoys, K.B.—Admirals of the blue, to be admirals of the white: Isaac Prescott, esq. Thomas Spry, esq. and sir John Orde, bart.—Vice-admirals of the red, to be admirals of the blue: John Thomas, esq. James Brine, esq. sir Erasmus Gower, knt. John Holloway, esq. and George Wilson, esq.—Vice-admirals of the white, to be vice-admirals of the red: Henry Savage, esq. Bartholomew Samuel Rowley, esq. sir Richard Bickerton, bart. and George Bowen, esq.—Vice-admirals of the blue, to be vice-admirals of the white: Samson Edwards, esq. George Campbell, esq. Henry Frankland, esq. Arthur Phillip, esq. sir William George Fairfax, knt.—Rear-admirals of the red, to be vice-admirals of the blue: John Child Purvis, esq. Theophilus Jones, esq. William Domett, esq. William Wolseley, esq. John Manley, esq. George Mur-

ray, esq. John Sutton, esq. Robert Murray, esq. hon. sir Alexander Forrester Cochrane, K.B. and John Markham, esq.—Rear-admirals of the white, to be rear-admirals of the red: John Wells, esq. Richard Grindall, esq. George Martin, esq. sir Alexander John Ball, bart. sir Richard John Strachan, bart. K.B. sir William Sidney Smith, knt. Thomas Sotheby, esq. Nathan Brunton, esq. William Hancock Kelly, esq. John Schank, esq. and the hon. Michael De Courcy.—Rear-admirals of the blue, to be rear-admirals of the white: Davidge Gould, esq. sir Richard Goodwin Keats, K.B. Robert Devereux Fancourt, esq. sir Edward Buller, bart. hon. Robert Stopford, Mark Robinson, esq. Thomas Revell Shivers, esq. Charles Cobb, esq. Francis Pickmore, esq. John Stephens Hall, esq. John Dilkes, esq.—The undermentioned captains were also appointed flag-officers of his majesty's fleet, to be rear-admirals of the blue, *viz.* Rowley Bulteel, esq. William Luke, esq. Isaac George Manley, esq. John Osborn, esq. Edmund Crawley, esq. Charles Boyles, esq. Sir Thomas Williams, knt. Thomas Hamilton, esq. sir T. B. Thompson, bart. and George Countess, esq.

Admiralty-office, Oct. 25. Sir Charles Hamilton, bart. and the hon. Henry Curzon, appointed colonels of his majesty's royal marine forces, *vice* Charles Boyles, esq. and sir Thomas Williams, knt. appointed flag-officers of his majesty's fleet.

Whitehall, Oct. 28. Right hon. Henry John viscount Palmerston, appointed his majesty's secretary at war, *vice* lord Granville Leveson Gower, resigned.

Whitehall, Oct. 31. Joseph Phillimore, LL.D. appointed professor of civil law in the university of Oxford, *vice* Laurence, dec.

Foreign-office, Oct. 31. Appointment of don Antonio Fernandez de Urrutia, to be consul for his Catholic majesty at Gibraltar, approved by his majesty.

Queen's palace, Nov. 1. Right hon. Henry John viscount Palmerston, sworn of his majesty's most honourable privy council.—Right. hon. Richard Ryder, sworn one of his majesty's principal secretaries of state.—William Plomer, esq. alderman of the city of London; James Athol Wood, esq. captain in the royal navy; Alexander Johnston, esq. on being appointed chief justice of the supreme court of judicature on the island of Ceylon; and Francis Macnaghten, esq. one of the judges of the supreme court of judicature at Madras, knighted.

Whitehall, Nov. 4. Right hon. Charles Flower, of Lobb, co. Oxford, and of Woodford, co. Essex, esq. lord mayor of the city of London, created a baronet.

Whitehall, Nov. 7. Right hon. Robert Dundas, appointed first commissioner for the management of affairs in India, *vice* lord Harrowby, resigned.

Queen's palace, Nov. 8. Right hon. Charles Manners Sutton, sworn of his majesty's most honourable privy council.

Whitehall, Nov. 14. William Lowther, esq. (commonly called viscount Lowther), appointed one of the lords commissioners of the admiralty, *vice* lord Palmerston, resigned.—Robert Dundas, esq. writer to the signet, appointed conjunct clerk to the bills in the office of his majesty's registers and rolls in Scotland, *vice* Anstruther, dec.

Queen's palace, Nov. 22. Jere Homfray, esq. of Llandaff-house, co. Glamorgan, knighted.

Whitehall, Dec. 2. Snowden Barne, esq. appointed one of the lords corn-

missioners of the treasury.—William Alexander, of the city of Dublin, esq. and right hon. William Stamer, esq. lord mayor of the city of Dublin, created baronets.

Queen's palace, Dec. 6. The most noble marquis Wellesley, K. B. sworn one of his majesty's principal secretaries of state.—Thomas Staines, esq. captain in the royal navy, knighted.

Foreign-office, Dec. 15. The hon. Henry Wellesley, appointed his majesty's envoy extraordinary and minister plenipotentiary to his Catholic majesty Ferdinand the Seventh; and directed to reside in that character at the seat of the central or supreme junta in Spain.

Queen's palace, Dec. 20. Right hon. John lord Sheffield and right hon. Henry Wellesley sworn of his majesty's most honourable privy council.—Henry Pelham, duke of Newcastle, sworn lord lieutenant of the county of Nottingham, *vice* duke of Portland, dec.

War-office, Dec. 23. William Merry, esq. appointed, by the right hon. lord viscount Palmerston, his majesty's secretary at war, to be his deputy, *vice* Francis Moore, esq.

Downing-street, Dec. 26. Rear-admiral sir Richard Goodwin Keats, K. B. appointed his majesty's commissioner for the civil affairs of Malta, *vice* admiral Ball, dec.

SHERIFFS appointed by his majesty in council for the year 1809.

Bedfordshire, Robert Garstin, of Harrold, esq.

Berkshire, Sir Thomas Theophilus Metcalfe, of Fernhill, bart.

Buckinghamshire, Thomas Stanhope Badcock, of Buckingham, esq.
Cambridge and Huntingdon, John

John Heathcote, of Conington-castle, esq.

Cheshire, Thomas William Tatton, of Wittinghall, esq.

Cumberland, Miles Ponsonby, of Hail-hall, esq.

Derbyshire, Charles Upton, of Derby, esq.

Devonshire, Sir Thomas Dyke Ackland, of Kellerton, bart.

Dorsetshire, James John Farquharson, of Langton, esq.

Essex, J. Rutherford Abdy, of Albyns, esq.

Gloucestershire, John Hodder Moggridge, of Dymock, esq.

Herefordshire, W. Wall, of Leominster, esq.

Hertfordshire, Edmond Darby, of Ashton-house, esq.

Kent, Sir Brooke Wm. Bridges, of Goodneston, bart.

Lancashire, Samuel Clowes, of Boughton-hall, esq.

Leicestershire, Sir William Manners, of Buckminster, bart.

Lincolnshire, Sir R. Heron, of Stubton, bart.

Monmouthshire, John Kemys Gardner Kemys, of Pertholey, esq.

Norfolk, James Coldham, of Anmer, esq.

Northamptonshire, R. Andrew, of Harleston, esq.

Northumberland, Wm. Sadlier Brewere, of Bewicke, esq.

Nottinghamshire, Thomas Walker, of Bury-hill, esq.

Oxfordshire, J. Harrison, of Shelswell, esq.

Rutlandshire, Abel Walford Bel-lais, of Bulmerthorpe, esq.

Shropshire, Wm. Sparling, of Petton, esq.

Somersetshire, J. Nurton, of Milverton, esq.

Staffordshire, Theophilus Levett, of Whichner, esq.

County of Southampton, John Blackburne, of Preston Candover, esq.

Suffolk, John Dresser, of Blyford, esq.

Surry, Edward Bilke, of Southwark, esq.

Sussex, Thomas Tourle, of Landport, esq.

Warwickshire, Abraham Bracebridge, of Atherstone, esq.

Wiltshire, Sir Charles Warre Mallett, of Wilbury-house, bart.

Worcestershire, Henry Bromley, of Abberley, esq.

Yorkshire, Sir G. Wombwell, of Wombwell, bart.

SOUTH WALES.

Brecon, Thomas Wood, of Gwernivett, esq.

Carmarthenshire, Richard Isaac Starke, of Laughame-castle, esq.

Cardigan, William Skyrme, of Altgcock, esq.

Glamorgan, Sir Jer. Homfray, of Llandaff.

Pembroke, C. Allen Phillips, of the Hill, esq.

Radnor, John Whittaker, of Cascob, esq.

NORTH WALES.

Anglesey, Sir John Thomas Stanley, of Bodewyrd, bart.

Caernarvonshire, Thomas Parry Jones Parry, of Madryn, esq.

Denbighshire, J. Ablet, of Llanbedb, esq.

Flintshire, Thomas Peate, of Bistree, esq.

Merioneth, William Davies, of Ty Ucha, esq.

Montgomeryshire, Thomas Edwards, of Trefuant, esq.

SHERIFF appointed by his royal highness the prince of Wales, in council, for the year 1809.

Cornwall, The hon. Charles Bagnal Agar.

